

SCHEDULE 1

Regulation 79

APPLICATION OF PROVISIONS OF THE REPRESENTATION OF THE PEOPLE ACT 1983

PART 1

INTERPRETATION AND EXTENT

**Interpretation of applied provisions: general**

1.—(1) In any provision of the 1983 Act as applied by this Schedule—

- “Chief Counting Officer” has the meaning given by section 11(1) of the 2015 Act;
- “counting agent” is to be read in accordance with regulation 23(10);
- “counting officer” has the meaning given by paragraph 3 of Schedule 3 to the 2015 Act;
- “declaration of identity” is to be read in accordance with regulation 17(1)(c);
- “document” means a document in whatever form;
- “Gibraltar conduct law” has the meaning given by section 11(1) of the 2015 Act;
- “the Gibraltar registration officer” means the European electoral registration officer for Gibraltar (see section 14 of the European Parliament (Representation) Act 2003(1));
- “list of proxies” has the meaning given by regulation 5;
- “official mark” has the meaning given by regulation 12(1);
- “permitted participant” has the meaning given by section 11(1) of the 2015 Act;
- “polling agent” is to be read in accordance with regulation 23(10);
- “postal voting statement” is to be read in accordance with regulation 17(1)(b);
- “presiding officer” is to be read in accordance with regulation 19(1) and (2);
- “the referendum” has the meaning given by section 11(1) of the 2015 Act;
- “referendum agent” means a person appointed under paragraph 15 of Schedule 1 to the 2015 Act;
- “Regional Counting Officer” has the meaning given by section 11(1) of the 2015 Act;
- “tendered ballot paper” has the meaning given by regulation 37(1);
- “vote” and “voter” have the meaning given by paragraph 2;
- “voting area” has the meaning given by section 11(2) of the 2015 Act.

(2) Except where the context otherwise requires, in any provision of the 1983 Act as applied by this Schedule expressions defined for the purposes of that provision by any other provision of the 1983 Act have the meaning given by that other provision (see, in particular, the following provisions of the 1983 Act—

- section 118(2) (interpretation of Part 2),
- section 185(3) (interpretation of Part 3), and
- section 202(4) (general interpretation), as modified by paragraph 46 of this Schedule).

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(1) 2003 c.7.

(2) There are amendments to section 118 that are not relevant to these Regulations.

(3) There are amendments to section 185 that are not relevant to these Regulations.

(4) Section 202 was amended by section 4(5) of, and Schedule 2 to, the Representation of the People Act 1985 (c.50); paragraphs 1 and 22(b) of Schedule 1 to the Representation of the People Act 2000 (c.2); section 73(1) and (2) of, and paragraphs 2,

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(3) Nothing in this Schedule which provides for a particular reference to a provision to be read as, or as including, a reference to that provision as applied by another provision is to be taken to limit the effect of section 20(2) of the Interpretation Act 1978<sup>(5)</sup>.

### Meaning of “vote” in applied provisions

2.—(1) In any provision of the 1983 Act as applied by this Schedule “vote” as a verb means vote in the referendum and includes (where the context allows)—

- (a) voting as proxy, and
- (b) voting by proxy,

but does not include voting in Gibraltar; and “vote” as a noun and “voter” are to be construed accordingly.

(2) For the purposes of sub-paragraph (1) a person votes “in Gibraltar” if—

- (a) that person votes (on his or her own behalf or as proxy) in person in Gibraltar or by post under the law of Gibraltar relating to postal voting, or
- (b) that person votes by proxy and the proxy votes in person in Gibraltar or by post under the law of Gibraltar relating to postal voting.

### Extent of section 52 of the 1983 Act

3. For the purposes of the referendum, section 52(1), (1ZA), (1ZB) and (1A) of the 1983 Act<sup>(6)</sup> (which extends to the whole of the United Kingdom) extends also to Gibraltar.

## PART 2

### APPLICATION OF PROVISIONS

#### Alteration of registers pending the referendum: England, Wales and Scotland

4.—(1) In relation to England, Wales and Scotland, section 13AB of the 1983 Act<sup>(7)</sup> applies for the purposes of the referendum but as if—

- (a) in subsection (1)(b) for “the relevant election area” there were substituted “the area for which the registration officer acts”,
- (b) in subsection (4) for “an election to which this section applies” there were substituted “the referendum”,
- (c) in subsection (5) for “the last day on which nomination papers may be delivered to the returning officer for the purposes of the election” there were substituted “the nineteenth working day before the date of the poll for the referendum”,
- (d) subsection (8) were omitted,

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13 (1) and (2), 69 and 76 of Schedule 1 and paragraphs 104 and 128(1) of Schedule 2 to the Electoral Administration Act 2006 (c.22); paragraphs 116 and 120 of Schedule 12 to the Postal Services Act 2011 (c.5); and paragraph 57(1) and (4) of Schedule 1 to S.I. 2009/1149. There are other amendments to section 202 that are not relevant to these Regulations.

(5) 1978 c.30.

(6) Subsection (1) was amended by paragraph 12 of Schedule 4 to the Representation of the People Act 1985 (c.50). Subsection (1A) was inserted by paragraphs 6(1) and (5) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41). For the purposes of the referendum, subsections (1) and (1A) are modified, and subsections (1ZA) and (1ZB) are inserted, by paragraph 9 of this Schedule.

(7) Section 13AB was inserted by section 16(1) and (3) of the Electoral Registration and Administration Act 2013 (c.6) and was amended by paragraphs 1 and 4 of Schedule 2 to the Recall of MPs Act 2015 (c.25).

(e) the reference in subsection (9) to subsection (5) of section 13B were to that subsection as applied by sub-paragraph (2) below, and

(f) after subsection (9) there were inserted—

“(10) In this section “working day” means a day that is not—

(a) a Saturday or Sunday,

(b) Christmas Eve, Christmas Day, Good Friday or any other day that is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom,

(c) a bank holiday or public holiday in Gibraltar under the Gibraltar Acts titled the Banking and Financial Dealings Act and the Interpretation and General Clauses Act, or

(d) a day appointed in any part of the United Kingdom or Gibraltar as a day of public thanksgiving or mourning.”

(2) In relation to England, Wales and Scotland, section 13B of the 1983 Act<sup>(8)</sup> applies for the purposes of the referendum but as if—

(a) in subsection (1), for each of “an election to which this section applies” and “the election” there were substituted “the referendum”,

(b) in each of subsections (2), (3A) and (3C)—

(i) for “an election to which this section applies” there were substituted “the referendum”, and

(ii) for “the relevant election area” there were substituted “the area for which the registration officer acts”,

(c) subsection (4) were omitted, and

(d) in subsection (5)—

(i) in the definition of “the appropriate publication date”, for “an election to which this section applies” there were substituted “the referendum”, and

(ii) the definitions of “the final nomination day” and “the relevant election area” were omitted.

(3) A reference in any enactment to section 13AB or 13B of the 1983 Act includes (where the context allows) a reference to that section as applied by this paragraph.

(4) Sub-paragraph (3) has effect, in relation to any register, until the first publication after the referendum of a revised version of the register under section 13 of the 1983 Act.

### **Alteration of registers pending the referendum: Northern Ireland**

5.—(1) In relation to Northern Ireland, section 13BA of the 1983 Act<sup>(9)</sup> applies for the purposes of the referendum but as if—

(a) in subsection (1)—

(i) for the words from “the final nomination day” to “this section applies” there were substituted “the eleventh day before the date of the poll for the referendum”, and

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<sup>(8)</sup> Section 13B was inserted by paragraphs 1 and 6 of Schedule 1 to the Representation of the People Act 2000 (c.2) was amended by section 11 of the Electoral Administration Act 2006 (c.22), section 6(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33), paragraph 3 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c.13) and section 16 of, and paragraphs 1 and 13 of Schedule 4 to, the Electoral Registration and Administration Act 2013 (c.6).

<sup>(9)</sup> Section 13BA was inserted by section 6(2) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33) and was amended by section 16(1) of the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13) and paragraphs 1 and 6 of Schedule 2 to the Recall of MPs Act 2015 (c.25).

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- (ii) for “that election” there were substituted “the referendum”,
  - (b) in subsection (2)—
    - (i) for “an election to which this section applies” there were substituted “the referendum”, and
    - (ii) for “the final nomination day” there were substituted “the eleventh day before the date of the poll for the referendum”,
  - (c) in subsection (3A) for “the final nomination day” there were substituted “the eleventh day before the date of the poll for the referendum”,
  - (d) in subsection (5), for “an election to which this section applies” there were substituted “the referendum”,
  - (e) in each of subsections (7) and (8)—
    - (i) for “an election to which this section applies” there were substituted “the referendum”, and
    - (ii) for “the relevant election area” there were substituted “the area for which the registration officer acts”,
  - (f) subsection (12) were omitted, and
  - (g) the reference in subsection (13) to subsection (5) of section 13B were to that subsection as applied by paragraph 4(2) of this Schedule.
- (2) A reference in any enactment to section 13BA of the 1983 Act includes (where the context allows) a reference to that section as applied by this paragraph.
- (3) Sub-paragraph (2) has effect, in relation to any register, until the first publication after the referendum of a revised version of the register under section 13 of the 1983 Act.

### **Loan of equipment**

6. Section 47 of the 1983 Act<sup>(10)</sup> applies for the purposes of the referendum but as if—
- (a) in subsection (1) the reference to the returning officer at a local government election included a counting officer for the referendum for a voting area anywhere in the United Kingdom, and
  - (b) in subsection (2) the reference to the returning officer at an election mentioned there included a counting officer for the referendum for a voting area in England, Wales or Scotland.

### **Effect of registers**

7.—(1) Section 49 of the 1983 Act<sup>(11)</sup> applies for the purposes of the referendum but with the following modifications.

- (2) Subsection (4) has effect for those purposes as if—
- (a) for “any purpose of this Part relating to him as elector” there were substituted “any purpose of this Part, the European Union Referendum Act 2015 or the European Union Referendum (Conduct) Regulations 2016”, and

<sup>(10)</sup> Section 47 was amended by article 4 of [S.I. 1991/1728](#) and paragraph 6(1) and (4) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 ([c.41](#)). There are other amendments to section 47 that are not relevant to these Regulations.

<sup>(11)</sup> Section 49 was amended by Schedule 5 to the Representation of the People Act 1985 ([c.50](#)); paragraphs 2 and 7 of Schedule 1 to the Electoral Administration Act 2006 ([c.22](#)); paragraphs 1 and 12 of Schedule 1 to the Representation of the People Act 2000 ([c.2](#)); and paragraphs 1 and 16 of Schedule 4 to the Electoral Registration and Administration Act 2013 ([c.6](#)).

- (b) for “as an elector except” to the end there were substituted “as a person entitled to vote by virtue of that entry unless the day fixed for the poll for the referendum is that or a later date”.
- (3) Subsection (5) has effect for the purposes of the referendum as if the following were omitted—
  - (a) the words “prevent the rejection of the vote on a scrutiny, or”, and
  - (b) paragraph (b)(iv).
- (4) For the avoidance of doubt, in section 49 of the 1983 Act as applied by this paragraph—
  - (a) “voting age” has the same meaning as in section 49 as it has effect apart from this Schedule, but
  - (b) “vote” as a verb is to be read in accordance with paragraph 2 of this Schedule.

### **Effect of misdescription**

- 8. Section 50 of the 1983 Act applies for the purposes of the referendum but as if—
  - (a) the words “nomination paper,” were omitted, and
  - (b) for the words “and the parliamentary election rules” there were substituted “or by the European Union Referendum Act 2015 or the European Union Referendum (Conduct) Regulations 2016”.

### **Discharge of registration duties**

9.—(1) Section 52 of the 1983(12) Act applies for the purposes of the referendum but with the following modifications.

- (2) For those purposes, the following subsections are to be treated as substituted for subsection (1)

—  
“(1) A registration officer shall comply with any general or special directions which may be given by the Secretary of State for the purposes of the referendum with respect to the arrangements to be made by that officer for carrying out—

- (a) any of that officer’s functions under Schedule 3 to the European Union Referendum Act 2015,
- (b) any of that officer’s functions under the European Union Referendum (Conduct) Regulations 2016, or
- (c) any of that officer’s functions under this Act.

(1ZA) In subsection (1) the reference to a registration officer includes the Gibraltar registration officer, and in relation to that officer—

- (a) the reference in subsection (1)(b) to “the European Union Referendum (Conduct) Regulations 2016” is to be read as a reference to any regulations under section 4 of the European Union Referendum Act 2015 that extend to Gibraltar and Gibraltar conduct law, and
- (b) the reference in subsection (1)(c) to “this Act” is to be read as a reference to the Gibraltar Act titled the European Parliamentary Elections Act 2004.

(1ZB) The Secretary of State may give a direction under subsection (1) only if it is in accordance with a recommendation made by the Electoral Commission.”

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(12) Section 52 was amended by paragraph 12 of Schedule 4 to the Representation of the People Act 1985 (c.50). Subsection (1A) was inserted by paragraphs 1 and 5 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41). Subsection (4) was amended by paragraph 68(12) of Schedule 16 to the Local Government (Wales) Act 1994 (c.19). The functions of the Secretary of State under section 52 are exercisable concurrently with the Chancellor of the Duchy of Lancaster (see article 3 of and Schedule 1 to S.I. 2015/1376).

(3) Subsection (1A) has effect for the purposes of the referendum as if after “registration officer” there were inserted “or the Gibraltar registration officer”.

(4) Subsections (2) and (4) each have effect for the purposes of the referendum as if after “this Act” there were inserted “, the European Union Referendum Act 2015 and the European Union Referendum (Conduct) Regulations 2016”.

### **Payment of expenses of registration**

**10.** Section 54 of the 1983 Act(**13**) applies for the purposes of the referendum but as if in subsection (1) after “2013” there were inserted “or the European Union Referendum Act 2015 or the European Union Referendum (Conduct) Regulations 2016”.

### **Registration appeals: England and Wales and Scotland**

**11.**—(1) In subsection (3) of section 56 of the 1983 Act(**14**), the references to “an election” and “the election” include the referendum.

(2) For the purposes of the referendum the following subsection is to be treated as substituted for subsection (4A) of section 56 of the 1983 Act—

“(4A) Where, as a result of the decision on an appeal, an alteration in the register made in pursuance of subsection (4) takes effect under section 13(5), 13A(2), 13AB(3), 13B(3) or (3B) or 13BC(3) or (6) on or before the date of the poll for the referendum, subsection (3) does not apply to that appeal as respects the referendum.”

(3) References in this paragraph to section 56 of the 1983 Act include that section as applied by section 57 of that Act (registration appeals: Scotland).

### **Registration appeals: Northern Ireland**

**12.**—(1) In subsection (3) of section 58 of the 1983 Act(**15**), the references to “an election” and “the election” include the referendum.

(2) For the purposes of the referendum, the following subsection is to be treated as substituted for subsection (5) of section 58 of the 1983 Act—

“(5) Where, as a result of the decision on an appeal, an alteration in the register made in pursuance of subsection (4) takes effect under section 13(5), 13A(2), 13BA(6) or (9) or 13BC(3) or (6) on or before the date of the poll for the referendum, subsection (3) does not apply to that appeal as respects the referendum.”

### **Offence of personation**

**13.** Section 60 of the 1983 Act applies for the purposes of the referendum but as if in subsection (2)—

- (a) for “at a parliamentary or local government election” there were substituted “in the referendum”, and
- (b) for “whether as an elector or as proxy” there were substituted “whether or not as proxy”.

**(13)** Section 54 was amended by paragraph 14 of Schedule 4 to the Representation of the People Act 1985 (c.50) and paragraphs 1 and 17 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6).

**(14)** Section 56 was amended by paragraph 1 of Schedule 2, paragraph 16 of Schedule 4 and Schedule 5 to the Representation of the People Act 1985 (c.50); paragraphs 1 and 14 of Schedule 1 to the Representation of the People Act 2000 (c.2); section 11(5) of and paragraph 2 and 8 of Schedule 1 to the Electoral Administration Act 2006 (c.22); and section 16(1) and (5) of, and paragraphs 1 and 18 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6).

**(15)** Section 58 was substituted by paragraph 5 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33) and was amended by paragraphs 1 and 9 of Schedule 2 to the Recall of MPs Act 2015 (c.25) and article 3(1) and (4) of S.I. 2014/1116.

## Other voting offences

14.—(1) Section 61 of the 1983 Act<sup>(16)</sup> applies for the purposes of the referendum but with the modifications in sub-paragraphs (2) to (4) below.

(2) For the purposes of the referendum, the following subsections are to be treated as substituted for subsections (1) to (4)—

“(1) A person shall be guilty of an offence if—

- (a) he votes in person or by post, whether on his own behalf or as proxy, or applies to vote by proxy or by post on his own behalf, knowing that he is subject to a legal incapacity to vote; or
- (b) he applies for the appointment of a proxy to vote for him knowing that he is or the person to be appointed is subject to a legal incapacity to vote; or
- (c) he votes, whether in person or by post, as proxy for some other person knowing that that person is subject to a legal incapacity to vote.

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.

(2) A person shall be guilty of an offence if—

- (a) he votes on his own behalf otherwise than by proxy more than once; or
- (b) he votes on his own behalf in person when he is entitled to vote by post; or
- (c) he votes on his own behalf in person knowing that a person appointed to vote as his proxy either has already voted in person or is entitled to vote by post; or
- (d) he applies under Part 3 of the European Union Referendum (Conduct) Regulations 2016 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 Part or without withdrawing a pending application for such an appointment.

(3) A person shall be guilty of an offence if—

- (a) he votes as proxy for the same person more than once; or
- (b) he votes in person as proxy for another person and he is entitled to vote by post as proxy for that person; or
- (c) he votes in person as proxy for another person and he knows that other person has already voted in person.

(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.”

(3) Subsection (6A) has effect for the purposes of the referendum as if for the words from “in pursuance of” to the end there were substituted “in reliance on Case 3, 4, 5 or 6 in regulation 37 of the European Union Referendum (Conduct) Regulations 2016”.

(4) For the purposes of the referendum the following are to be treated as omitted—

- (a) subsection (6B);
- (b) subsection (7)(b).

(5) Paragraph 2(1) of this Schedule (meaning of “vote”) does not apply for the purposes of—

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<sup>(16)</sup> Section 61 was amended by paragraph 2 of Schedule 2 to the Representation of the People Act 1985 (c.50); paragraph 83 of Schedule 27 to the Civil Partnership Act 2004 (c.33); and section 38(3) of the Electoral Administration Act 2006 (c.22). There are other amendments that are not relevant to these Regulations.

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- (a) subsection (2)(a) and (c), or
- (b) subsection (3)(a) and (c),

of section 61 of the 1983 Act as applied by this paragraph, and in those provisions “vote” is to be read in accordance with sub-paragraphs (6) and (7).

(6) In subsections (2)(a) and (3)(a) “vote” means vote in the referendum (and does not exclude voting in Gibraltar).

(7) In subsections (2)(c) and (3)(c)—

- (a) references to voting in person are to voting in the referendum in person either in the United Kingdom or Gibraltar, and
- (b) references to voting by post are to voting in the referendum by post, either under the law of the United Kingdom relating to postal voting or under the law of Gibraltar relating to postal voting.

(8) But—

- (a) a person does not commit an offence under subsection (2)(a) or (3)(a) of section 61 of the 1983 Act as applied by this paragraph unless at least one of the votes mentioned in subsection (2)(a) or (3)(a) (as the case may be) is a vote in the United Kingdom;
- (b) a person does not commit an offence under subsection (2)(c) of section 61 of the 1983 Act as so applied unless either or both of the following apply—
  - (i) the person’s vote on his own behalf is a vote in person in the United Kingdom;
  - (ii) the proxy’s vote (or entitlement to a postal vote) is a vote in (or an entitlement to a postal vote in) the United Kingdom;
- (c) a person does not commit an offence under subsection (3)(c) of section 61 of the 1983 Act as so applied unless at least one of the votes mentioned in subsection (3)(c) is a vote in person in the United Kingdom.

(9) In sub-paragraph (6) the reference to voting “in Gibraltar” is to voting—

- (a) in person in Gibraltar, or
- (b) by post under the law of Gibraltar relating to postal voting,

and in sub-paragraph (8) references to a vote “in the United Kingdom” are to be read accordingly.

### **Offences relating to applications for absent voting**

**15.** Section 62A(1) to (5) of the 1983 Act<sup>(17)</sup> applies for the purposes of the referendum but as if—

- (a) in subsection (1)(a) the words “at a parliamentary or local government election” were omitted, and
- (b) in subsection (2)(c) for “returning officer” there were substituted “counting officer”.

### **Breach of official duty**

**16.** Section 63 of the 1983 Act<sup>(18)</sup> applies for the purposes of the referendum but as if for subsections (3) and (4) there were substituted—

“(3) The persons to whom this section applies are—

<sup>(17)</sup> Section 62A was inserted by section 40 of the Electoral Administration Act 2006 (c.22).

<sup>(18)</sup> Section 63 was substituted by paragraph 19 of Schedule 4 to the Representation of the People Act 1985 (c.50) and was amended by sections 7, 41(8) and 46(6) of the Electoral Administration Act 2006 (c.22); section 25(a) of the Political Parties and Elections Act 2009 (c.12); and paragraph 57(1) and (2) of Schedule 1 to S.I. 2001/1149.



- (a) the Chief Counting Officer,
- (b) any Regional Counting Officer,
- (c) any counting officer,
- (d) any registration officer,
- (e) the Gibraltar registration officer,
- (f) any presiding officer, or any equivalent officer in Gibraltar,
- (g) any official designated by a universal postal service provider (within the meaning given by section 202), and
- (h) any deputy of a person mentioned in any of paragraphs (a) to (g) 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;

and “official duty” shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by this Act, the European Union Referendum Act 2015 or regulations under section 4 of that Act, Gibraltar conduct law, the Gibraltar Act titled the European Parliamentary Elections Act 2004 or the law of the United Kingdom or of Gibraltar relating to referendums.

(4) Where—

- (a) a Regional Counting Officer or counting officer is guilty of an act or omission in breach of his official duty, but
- (b) he remedies that act or omission in full by taking steps under paragraph 9 of Schedule 3 to the European Union Referendum Act 2015,

he shall not be guilty of an offence under subsection (1) above.”

### **Tampering with papers**

**17.**—(1) Section 65 of the 1983 Act<sup>(19)</sup> applies for the purposes of the referendum but with the following modifications.

(2) Subsection (1) has effect for those purposes as if—

- (a) for “at a parliamentary or local government election” there were substituted “in the referendum”,
- (b) paragraph (a) were omitted, and
- (c) in paragraph (f), for “election” there were substituted “referendum”.

(3) But nothing in that subsection is to be taken to apply to anything done in connection with the referendum so far as held in Gibraltar.

(4) For the purposes of the referendum the following subsection is to be treated as substituted for subsection (2)—

“(2) In Scotland, a person shall be guilty of an offence if—

- (a) in the referendum, he forges or counterfeits any ballot paper or the official mark on any ballot paper; or
- (b) he fraudulently or without due authority, as the case may be, attempts to do any of those things.”

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<sup>(19)</sup> Section 65 was amended by paragraph 2 of Schedule 3 to the Representation of the People Act 1985 (c.50) and paragraphs 69 and 72 of Schedule 1 to the Electoral Administration Act 2006 (c.22). There are other amendments that are not relevant to these Regulations.

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(5) Subsection (3) has effect for the purposes of the referendum as if for “a returning officer” there were substituted “the Chief Counting Officer, a Regional Counting Officer, a counting officer”.

### **Requirement of secrecy**

**18.**—(1) Section 66(1) to (6) of the 1983 Act(**20**) applies for the purposes of the referendum but with the following modifications.

(2) Subsection (1) has effect for those purposes as if—

(a) for paragraphs (a) to (c) there were substituted—

“(a) the Chief Counting Officer, and every Regional Counting Officer and counting officer, attending at a polling station in the United Kingdom,

(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,”

(b) in paragraph (i) for “elector or proxy for an elector” there were substituted “person”, and

(c) in paragraph (ii) for “elector” there were substituted “person”.

(3) The references in subsections (1) and (4) to the closure of the poll are to be read, in relation to the referendum, as references to the closure of the poll in the United Kingdom or Gibraltar, whichever is the later.

(4) Subsections (2)(b), (3)(b) and (c), (4)(d) and (5) have effect for the purposes of the referendum as if for “the candidate for whom” there were substituted “the referendum answer for which”.

(5) Subsection (3)(d) has effect for those purposes as if for “the name of the candidate for whom” there were substituted “the referendum answer for which”.

(6) Subsection (5) has effect for those purposes as if—

(a) for “blind voter” there were substituted “voter with disabilities”, and

(b) at the end there were inserted—

““Voter with disabilities” has the meaning given by regulation 36(11) of the the European Union Referendum (Conduct) Regulations 2016.”

### **Prohibition on publication of exit polls**

**19.**—(1) Section 66A of the 1983 Act(**21**) applies for the purposes of the referendum but with the following modifications.

(2) Subsection (1) has effect for those purposes as if “the referendum” were substituted for each of the following—

(a) “an election to which this section applies”, and

(b) “the election” (in both places).

(3) For the purposes of the referendum subsection (2) is to be treated as omitted.

(4) Subsection (4) has effect for the purposes of the referendum as if for the words after “whatever means” there were substituted—

(20) Section 66 was amended by paragraph 2 of Schedule 3 to the Representation of the People Act 1985 (c.50) and paragraphs 69, 82 and 86 of Schedule 1 to the Electoral Administration Act 2006 (c.22). There are other amendments that are not relevant to these Regulations.

(21) Section 66A was inserted by paragraphs 3 and 6 of Schedule 6 to the Representation of the People Act 2000 (c.2).

“and the reference to a forecast as to the result of the referendum includes a forecast as to the number or proportion of votes expected to be cast for each answer to the referendum question in any region, voting area or other area.”

(5) In section 66A of the 1983 Act as applied by this paragraph—

(a) the reference in subsection (1) to the closure of the poll is to be read as a reference to the closure of the poll in the United Kingdom or Gibraltar, whichever is the later, and

(b) the references in subsection (1)(a) to “voters” include any voters in the referendum, whether voting in the United Kingdom or Gibraltar, and “vote” is to be read accordingly,

and, accordingly, paragraph 2(1) of this Schedule (meaning of “vote”) does not apply in relation to that section.

(6) In subsection (4) of that section as so applied, the references to the public are to the public in the United Kingdom.

### **Failure to comply with conditions relating to supply etc of documents**

20. Section 66B of the 1983 Act(22) applies for the purposes of the referendum, but as if in subsection (1)(a) for “imposed in pursuance of regulations under rule 57 of the parliamentary election rules” there were substituted “to which the right to inspect or be supplied with a document or part of document under regulation 58 of the European Union Referendum (Conduct) Regulations 2016 is subject under paragraph (5)(a) of that regulation”.

### **Broadcasting from outside UK**

21. Section 92 of the 1983 Act(23) applies for the purposes of the referendum but as if in subsection (1)—

(a) for “at a parliamentary or local government election” there were substituted “in the referendum”, and

(b) for “the election” there were substituted “the referendum”.

### **Imitation poll cards**

22.—(1) Section 94(1) of the 1983 Act(24) applies for the purposes of the referendum but as if for “the election of any candidate at a parliamentary election or a local government election to which this section applies” there were substituted “a particular result in the referendum”.

(2) The references in section 94(1) to poll cards do not include poll cards for the purposes of the referendum so far as held in Gibraltar.

### **Disturbances at meetings**

23. Section 97 of the 1983 Act(25) applies for the purposes of the referendum but as if for subsection (2) there were substituted—

“(2) This section applies to a meeting in connection with the referendum which—

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(22) Section 66B was inserted by section 41(9) of the Electoral Administration Act 2006 (c.22).

(23) Section 92 was amended by paragraph 35(3) and (5) of Schedule 20 to the Broadcasting Act 1990 (c.42) and paragraph 61 of Schedule 17 to the Communications Act 2003 (c.21).

(24) Section 94(1) was amended by paragraph 36 of Schedule 4 to the Representation of the People Act 1985 (c.50).

(25) Section 97 was amended by paragraph 39 of Schedule 4 to the Representation of the People Act 1985 (c.50) and Part 1 of Schedule 7 to the Police and Criminal Evidence Act 1984 (c.60).

*Status: This is the original version (as it was originally made).*

- (a) is held by a permitted participant during the referendum period (within the meaning given by paragraph 1 of Schedule 1 to the European Union Referendum Act 2015), and
- (b) is held in the United Kingdom.”

#### **Premises used for referendum meetings in Scotland or Northern Ireland**

**24.** Section 98 of the 1983 Act<sup>(26)</sup> applies for the purposes of the referendum but as if the reference to public meetings in furtherance of any person’s candidature at a parliamentary or local government election included public meetings to promote or procure a particular result in the referendum.

#### **Officials not to act for candidates**

**25.** Section 99 of the 1983 Act<sup>(27)</sup> applies for the purposes of the referendum but as if for subsection (1) there were substituted—

“(1) If—

- (a) the Chief Counting Officer,
- (b) any Regional Counting Officer,
- (c) any counting officer for a voting area in the United Kingdom,
- (d) any officer, deputy or clerk appointed by a person mentioned in paragraph (a), (b) or (c), or
- (e) any officer whose services have been placed at the disposal of a counting officer or Regional Counting Officer under paragraph 6(1) of Schedule 3 to the European Union Referendum Act 2015,

acts as a referendum agent for a permitted participant, he shall be guilty of an offence.”

#### **Illegal canvassing by police officers**

**26.** Section 100 of the 1983 Act<sup>(28)</sup> applies for the purposes of the referendum but as if in subsection (1)—

- (a) for “as an elector” there were substituted “on that person’s own behalf”, and
- (b) the words after “proxy” were omitted.

#### **Payments for exhibition of election notices**

**27.** Section 109 of the 1983 Act applies for the purposes of the referendum but as if—

- (a) in subsection (1) for “the election of a candidate at an election” there were substituted “a particular result in the referendum”,
- (b) in subsection (2) for “an election” there were substituted “the referendum”, and
- (c) after subsection (2) there were inserted—

“(3) In this section “elector” means a person entitled to vote on his own behalf.”

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<sup>(26)</sup> Section 98 was repealed as regards England and Wales by Part 1 of Schedule 13 to the Local Government Finance Act 1988 (c.41).

<sup>(27)</sup> Section 99 was amended by paragraph 4 of Schedule 3 to the Representation of the People Act 1985 (c.50).

<sup>(28)</sup> Section 100 was amended by paragraph 5 of Schedule 3 to the Representation of the People Act 1985 (c.50) and section 78(2) (c) of the Police (Northern Ireland) Act 2000 (c.32).

### **Prohibition of paid canvassers**

**28.**—(1) Section 111 of the 1983 Act applies for the purposes of the referendum but as if—

- (a) for “an election” there were substituted “the referendum”, and
- (b) for “a candidate’s election” there were substituted “a particular result in the referendum”.

(2) But nothing in that section applies in relation to canvassing in Gibraltar in connection with the referendum.

### **Providing money etc for illegal purposes**

**29.** Section 112 of the 1983 Act applies for the purposes of the referendum but as if—

- (a) the reference in paragraph (a) to the provisions of the 1983 Act were to any provision of the 1983 Act as applied by this Schedule, and
- (b) the following were omitted—
  - (i) paragraph (b),
  - (ii) in paragraph (c) the words “or expenses”, and
  - (iii) the words “or the incurring of the expenses”.

### **Bribery**

**30.**—(1) Section 113 of the 1983 Act<sup>(29)</sup> applies for the purposes of the referendum but with the following modifications.

(2) Subsection (2) has effect for those purposes as if—

- (a) for “the return of any person at an election” (in the first two places) there were substituted “a particular result in the referendum”, and
- (b) paragraph (iii) were omitted.

(3) Subsection (3) has effect for those purposes as if for “at any election” (in both places) there were substituted “in the referendum”.

(4) Each of subsections (4), (5) and (6) has effect for those purposes as if for “an election” there were substituted “the referendum”.

### **Treating**

**31.** Section 114 of the 1983 Act applies for the purposes of the referendum but as if—

- (a) in subsection (2) for “an election” there were substituted “the referendum”, and
- (b) in subsection (3) for “Every elector or his proxy” there were substituted “Every person entitled to vote on his own behalf, and every proxy of such a person,”.

### **Undue influence**

**32.** Section 115 of the 1983 Act<sup>(30)</sup> applies for the purposes of the referendum but as if after subsection (2) there were inserted—

“(3) In this section “elector” means a person entitled to vote on his own behalf.”

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<sup>(29)</sup> There are amendments to section 113 that are not relevant to these Regulations.

<sup>(30)</sup> Section 115 was amended by section 39 of the Electoral Administration Act 2006 (c.22) and section 14 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14).

**Rights of creditors where applied provision prohibits payments**

**33.** In section 116 of the 1983 Act the reference to the provisions of Part 2 of that Act prohibiting payments and contracts for payments includes any such provision as applied by this Schedule.

**Saving for employees to be absent for voting**

- 34.** Section 117(2) of the 1983 Act applies for the purposes of the referendum but as if—
- (a) for “parliamentary electors or their proxies” there were substituted “persons entitled to vote (on their own behalf or as proxies)”,
  - (b) the words “at a parliamentary election” were omitted, and
  - (c) in paragraphs (b) and (c), for “any particular candidate at the election” there were substituted “a particular answer in the referendum”.

**Computation of time**

**35.—**(1) Section 119 of the 1983 Act(**31**), in its application for the purposes of any provision of the 1983 Act as applied by this Schedule, has effect as if for subsection (3) there were substituted—

“(3) In this section, in relation to a voting area—

- (a) “bank holiday” means any day that is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom in which the voting area is situated, and
- (b) “a day appointed for public thanksgiving or mourning” means a day appointed in the part of the United Kingdom in which the voting area is situated as a day of public thanksgiving or mourning.”

(2) The reference in sub-paragraph (1) to section 119 of the 1983 Act includes that section as applied by any other provision of that Act.

**Application for relief**

**36.—**(1) Section 167(1) to (2)(**32**) applies for the purposes of the referendum but with the following modifications.

(2) For the purposes of the referendum the following subsection is to be treated as substituted for subsection (1)—

“(1) An application for relief under this section may be made to the High Court.”

(3) Subsection (2)(c) has effect for those purposes as if the words from “in the constituency” to “was held,” were omitted.

**Powers of court on conviction of corrupt practice**

**37.** In section 168 of the 1983 Act(**33**)—

(31) Section 119 was amended by section 19(4) of the Representation of the People Act 1985 (c.50); paragraphs 49 and 51 of Schedule 2 to the Electoral Administration Act 2006 (c.22); section 30 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14); and paragraphs 6 and 9 of the Schedule to the Fixed-term Parliaments Act 2011 (c.14).

(32) Section 167(1) was amended by paragraph 52 of Schedule 9 to the Crime and Courts Act 2013 (c.22). Section 167(1A) was inserted by paragraph 56 of Schedule 4 to the Representation of the People Act 1985 (c.50).

(33) Section 168 was amended by paragraph 8 of Schedule 3 and paragraph 57 of Schedule 4 to the Representation of the People Act 1985 (c.50); paragraphs 104 and 121 of Schedule 1 to the Electoral Administration Act 2006 (c.22); and paragraphs 1 and 11 of Schedule 2 to the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14).

- (a) the reference in subsection (1) to a person who is guilty of a corrupt practice includes a person who is guilty of a corrupt practice under a provision of the 1983 Act as applied by this Schedule,
- (b) the reference in subsection (1)(a) to section 60 or 62A includes either of those sections as so applied, and
- (c) the reference in subsection (7) to the offence of bribery or treating includes an offence under section 113 or 114 of the 1983 Act as applied by this Schedule.

### **Prosecution and conviction of illegal practice and illegal payments**

**38.** In sections 169(**34**), 170, 173(**35**), 173A(**36**) and 175(1) and (3)(**37**) of the 1983 Act—

- (a) references to an illegal practice include an illegal practice under a provision of the 1983 Act as applied by this Schedule,
- (b) references to a corrupt practice include a corrupt practice under such a provision, and
- (c) references to an offence of illegal payment or employment include an offence of illegal payment or employment under such a provision;

and in section 173(2) any reference to a corrupt practice or illegal practice under a section mentioned there includes a reference to a corrupt practice or illegal practice under that section as applied by this Schedule.

### **Time limit for prosecutions**

**39.**—(1) In section 176 of the 1983 Act(**38**), the reference in subsection (1) to any offence under any provision contained in the 1983 Act includes any offence under any such provision as applied by this Schedule.

(2) Subsections (2) to (2G) of section 176 of the 1983 Act have effect in relation to such an offence (“a referendum offence”) with the following modifications.

(3) Subsection (2C) has effect in relation to a referendum offence as if for “rule 57 of the parliamentary elections rules” there were substituted “regulation 58 of the European Union Referendum (Conduct) Regulations 2016”.

(4) Subsection (2D) has effect in relation to a referendum offence as if for paragraph (a) there were substituted—

- “(a) directing the registration officer not to cause the documents to be destroyed at the expiry of the period of one year mentioned in regulation 58 of the European Union Referendum (Conduct) Regulations 2016.”

### **Prosecution of offences committed outside the United Kingdom**

**40.** In section 178 of the 1983 Act(**39**) the reference to an offence under that Act includes an offence under any provision of that Act as applied by this Schedule.

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(34) Section 169 was amended by paragraph 9 of Schedule 3 to the Representation of the People Act 1985 (c.50).

(35) Section 173 was substituted by section 136 of the Political Parties, Elections and Referendums Act 2006 (c.41) and amended by article 2(1) and (4) of S.I. 2007/931.

(36) Section 173A was inserted by section 136 of the Political Parties, Elections and Referendums Act 2006 (c.41) and was amended by paragraphs 104 and 123 of the Electoral Administration Act 2006 (c.22); section 34(3) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14); and article 2(1) and (5) of S.I. 2007/931.

(37) Section 175(1) and (3) was amended by paragraph 6(1) and (6) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41). Subsection (1) was also amended by paragraph 10 of Schedule 3 to the Representation of the People Act 1985 (c.50).

(38) Section 176 was amended by paragraph 61 of Schedule 4 to the Representation of the People Act 1985 (c.50) and section 70 of the Electoral Administration Act 2006 (c.22).

(39) Section 178 was substituted by paragraph 62 of Schedule 4 to the Representation of the People Act 1985 (c.50).

**Offences by associations**

**41.** In section 179 of the 1983 Act<sup>(40)</sup>—

- (a) the reference to any corrupt or illegal practice includes any corrupt or illegal practice under any provision of the 1983 Act as applied by this Schedule, and
- (b) the reference to any illegal payment, employment or hiring includes any illegal payment or employment under any such provision.

**Director of Public Prosecutions**

**42.** In section 181(1) of the 1983 Act<sup>(41)</sup> the reference to any offence under that Act includes any offence under any provision of that Act as applied by this Schedule.

**Service of notices**

**43.** Section 184 of the 1983 Act<sup>(42)</sup> applies for the purposes of the referendum but as if in subsection (1)—

- (a) for “an election” there were substituted “the referendum”,
- (b) for the words from “the High Court” to “any election court” there were substituted “the High Court or the county court”, and
- (c) in paragraph (a), the words from “in the constituency” to “held” were omitted.

**Computation of time for purposes of Part 3**

**44.** In section 186 of the 1983 Act the reference to Part 3 of that Act includes any provision of that Part as applied by this Schedule.

**Translations etc of certain documents**

**45.**—(1) Section 199B(1) to (9) of the 1983 Act<sup>(43)</sup> applies for the purposes of the referendum but with the following modifications.

(2) For those purposes, the following subsection is to be treated as substituted for subsection (1)—

“(1) Subsections (2) and (3) below apply to any document which under or by virtue of this Act, the European Union Referendum Act 2015 or the European Union Referendum (Conduct) Regulations 2016 is required or authorised—

- (a) to be given to voters, or
- (b) to be displayed in any place in the United Kingdom, for the purposes of the referendum.”

(3) Subsection (4) has effect for the purposes of the referendum as if paragraph (a) were omitted.

(4) For the purposes of the referendum the following subsections are to be treated as substituted for subsections (5) to (7)—

“(5) The counting officer for a voting area in the United Kingdom may cause to be displayed at every polling station in that area an enlarged sample copy of the ballot paper.

<sup>(40)</sup> Section 179 was amended by paragraphs 1 and 12 of Schedule 2 to the Local Electoral Administration and Registration Services (Scotland) Act 2006 ([asp 14](#)).

<sup>(41)</sup> Section 181(1) was amended by paragraph 63(a) of Schedule 4 to the Representation of the People Act 1985 ([c.50](#)).

<sup>(42)</sup> Section 184 was amended by paragraphs 1 and 19(5) of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 ([c.41](#)); paragraphs 116 and 118 of Schedule 12 to the Postal Services Act 2011 ([c.5](#)); and paragraphs 57(1) and (3) of Schedule 1 to [S.I. 2001/1149](#).

<sup>(43)</sup> Section 199B was inserted by section 36 of the Electoral Administration Act 2006 ([c.22](#)).



- (6) The sample copy mentioned in subsection (5) above—
- (a) must have printed on it the words “Put a cross (X) in one box only” both at the top and immediately below the referendum question, and
  - (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.

(7) The counting officer for a voting area in the United Kingdom must provide at every polling station in that area an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted.”

(5) Subsection (9) has effect for the purposes of the referendum as if for “returning officer” there were substituted “counting officer”.

### **General interpretation**

**46.** In its application for the purposes of any provision of the 1983 Act as applied by this Schedule, section 202 of the 1983 Act<sup>(44)</sup> has effect as if in subsection (1)—

- (a) for the definition of “list of proxies” there were substituted—  
““list of proxies” is to be read in accordance with paragraph 1(1) of Schedule 1 to the European Union Referendum (Conduct) Regulations 2016;”, and
- (b) for the definition of “voter” and “vote” there were substituted—  
““vote” and “voter” are to be read in accordance with paragraph 2(1) of Schedule 1 to the European Union Referendum (Conduct) Regulations 2016 (subject to any provision to the contrary in that Schedule).”

### **General application to Scotland**

**47.** Section 204(3), (5) and (8) of the 1983 Act applies for the purposes of any provision of the 1983 Act as applied by this Schedule, so far as that provision applies to Scotland.

### **General application to Northern Ireland**

**48.** Section 205 of the 1983 Act<sup>(45)</sup> applies for the purposes of any provision of the 1983 Act as applied by this Schedule, so far as that provision applies to Northern Ireland.

### **Premises used for poll: Scotland and Northern Ireland**

**49.** Rule 22(3) in Schedule 1 to the 1983 Act<sup>(46)</sup> applies for the purposes of the referendum but as if the reference to use for the purpose of taking the poll in an election included use by a counting officer for the purpose of taking the poll in the referendum.

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<sup>(44)</sup> Section 202 was amended by section 4(5) of, and Schedule 2 and paragraphs 70 of Schedule 4 to, the Representation of the People Act 1985 (c.50); Part 14 of Schedule 1 to the Statute Law (Repeals) Act 1993 (c.50); the Schedule to the Law Officers Act 1997 (c.60); paragraphs 1 and 22 of Schedule 1 and paragraphs 3 and 9 of Schedule 6 to the Representation of the People Act 2000 (c.2); paragraphs 1 and 19(6) of Schedule 18 and paragraph 6(1) and (8) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41); section 28(2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14); section 73(1) and (2) of, and paragraphs 2, 13, 69, 76, 104 and 128 of Schedule 1 to, the Electoral Administration Act 2006 (c.22); paragraphs 116 and 120 of Schedule 12 to the Postal Services Act 2011 (c.5), regulation 4(2) of S.I. 1994/1948; and paragraphs 57(1) and (4) of Schedule 1 to S.I. 2001/1149. There are other amendments that are not relevant to these Regulations.

<sup>(45)</sup> Section 205 was amended by paragraph 72 of Schedule 4 to the Representation of the People Act 1985 (c.50).

<sup>(46)</sup> Rule 22(3) was repealed as regards England and Wales by Part 1 of Schedule 13 to the Local Government Finance Act 1988 (c.41).