

SCHEDULE 1

APPLICATION OF PROVISIONS OF THE REPRESENTATION OF THE PEOPLE ACT 1983

PART 2

APPLICATION OF PROVISIONS

Breach of official duty

16. Section 63 of the 1983 Act⁽¹⁾ 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—

- (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.”

Commencement Information

- II** Sch. 1 para. 16 in force at 26.2.2016, see [reg. 1](#)

⁽¹⁾ 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.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The European Union Referendum (Conduct) Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

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\(2\)\(a\)](#)