STATUTORY INSTRUMENTS

2016 No. 219

REFERENDUMS REPRESENTATION OF THE PEOPLE

The European Union Referendum (Conduct) Regulations 2016

Made - - - - 25th February 2016
Coming into force in accordance with regulation 1

THE EUROPEAN UNION REFERENDUM (CONDUCT) REGULATIONS 2016

PART 1 INTRODUCTORY

- 1. Citation and commencement
- 2. Extent
- 3. Interpretation

PART 2

REGULATIONS FOR THE CONDUCT OF THE REFERENDUM IN THE UNITED KINGDOM

Application and interpretation

- 4. Part to apply in United Kingdom and not Gibraltar
- 5. Interpretation

Time

- 6. Timetable
- 7. Computation of time

General provisions

- 8. Notice of referendum
- 9. Poll to be taken by ballot
- 10. The ballot paper
- 11. Corresponding number list
- 12. The official mark

- 13. Prohibition of disclosure of vote
- 14. Use of schools and public rooms
- 15. Modification of forms

Action to be taken before the poll

- 16. Notice of poll
- 17. Postal ballot papers
- 18. Provision of polling stations
- 19. Appointment of presiding officers and clerks
- 20. Issue of official poll cards
- 21. Notification that certain electors entitled to absent vote
- 22. Equipment of polling stations
- 23. Appointment of polling and counting agents
- 24. Notification of requirement of secrecy
- 25. Return of postal ballot papers

The poll

- 26. Admission to polling station
- 27. Keeping of order in polling station
- 28. Sealing of ballot boxes
- 29. Questions to be put to voters
- 30. Challenge of voter
- 31. Voting procedure
- 32. (1) In Northern Ireland a ballot paper must not be...
- 33. (1) This regulation applies where there is a duty to...
- 34. (1) Immediately after receiving a ballot paper the voter must—...
- 35. Votes marked by presiding officer
- 36. Voting by people with disabilities
- 37. Tendered ballot papers
- 38. (1) Tendered ballot papers must be a different colour from...
- 39. Tendered postal ballot papers: anonymous entries in Northern Ireland
- 40. Refusal to deliver ballot paper
- 41. Spoilt ballot papers
- 42. Correction of errors on day of poll
- 43. Adjournment of poll in case of riot
- 44. Procedure on close of poll

Counting of votes

- 45. Attendance at the count
- 46. The count
- 47. Re-count
- 48. Rejected ballot papers
- 49. Direction to conduct re-count
- 50. Decisions on ballot papers

Final proceedings

- 51. Declaration by counting officers
- 52. (1) This regulation applies to—(a) the counting officer for...
- 53. Declaration by Regional Counting Officers
- 54. Declaration of referendum result by Chief Counting Officer

Disposal of documents

- 55. Sealing up of ballot papers
- 56. Delivery or retention of documents
- 57. Orders for production of documents
- 58. Retention and public inspection of documents

PART 3

ABSENT VOTING IN THE REFERENDUM IN THE UNITED KINGDOM

CHAPTER 1

GREAT BRITAIN

- 59. Overview and interpretation
- 60. Manner of voting in the referendum
- 61. Entitlement to vote by post or by proxy
- 62. Application to vote by post or by proxy in the referendum
- 63. Absent voters lists
- 64. Proxies
- 65. (1) Subject to what follows, where a relevant proxy appointment...
- 66. Voting as proxy
- 67. Use of personal identifier information
- 68. Information contained in records kept by a registration officer in...
- 69. Offences

CHAPTER 2

NORTHERN IRELAND

- 70. Overview and interpretation
- 71. Manner of voting in the referendum
- 72. Entitlement to vote by post or by proxy
- 73. Application to vote by post or by proxy in the referendum
- 74. Absent voters lists
- 75. Proxies
- 76. (1) Subject to what follows, where a relevant proxy appointment...
- 77. Voting as proxy
- 78. Offences

PART 4

APPLICATION AND AMENDMENT OF EXISTING LEGISLATION

- 79. Application of provisions of the Representation of the People Act 1983
- 80. Application of provisions of other Acts
- 81. Application of existing provisions of regulations
- 82. Amendment of the European Parliamentary Elections Regulations 2004

PART 5

SUPPLEMENTARY

83. Forms Signature

SCHEDULE 1 — APPLICATION OF PROVISIONS OF THE REPRESENTATION OF THE PEOPLE ACT 1983

PART 1 — INTERPRETATION AND EXTENT

- 1. Interpretation of applied provisions: general
- 2. Meaning of "vote" in applied provisions
- 3. Extent of section 52 of the 1983 Act

PART 2 — APPLICATION OF PROVISIONS

- 4. Alteration of registers pending the referendum: England, Wales and Scotland
- 5. Alteration of registers pending the referendum: Northern Ireland
- 6. Loan of equipment
- 7. Effect of registers
- 8. Effect of misdescription
- 9. Discharge of registration duties
- 10. Payment of expenses of registration
- 11. Registration appeals: England and Wales and Scotland
- 12. Registration appeals: Northern Ireland
- 13. Offence of personation
- 14. Other voting offences
- 15. Offences relating to applications for absent voting
- 16. Breach of official duty
- 17. Tampering with papers
- 18. Requirement of secrecy
- 19. Prohibition on publication of exit polls
- 20. Failure to comply with conditions relating to supply etc of documents
- 21. Broadcasting from outside UK
- 22. Imitation poll cards
- 23. Disturbances at meetings
- 24. Premises used for referendum meetings in Scotland or Northern Ireland
- 25. Officials not to act for candidates
- 26. Illegal canvassing by police officers
- 27. Payments for exhibition of election notices
- 28. Prohibition of paid canvassers
- 29. Providing money etc for illegal purposes
- 30. Bribery
- 31. Treating
- 32. Undue influence
- 33. Rights of creditors where applied provision prohibits payments
- 34. Saving for employees to be absent for voting
- 35. Computation of time
- 36. Application for relief
- 37. Powers of court on conviction of corrupt practice
- 38. Prosecution and conviction of illegal practice and illegal payments
- 39. Time limit for prosecutions
- 40. Prosecution of offences committed outside the United Kingdom
- 41. Offences by associations
- 42. Director of Public Prosecutions
- 43. Service of notices
- 44. Computation of time for purposes of Part 3
- 45. Translations etc of certain documents
- 46. General interpretation

- 47. General application to Scotland
- 48. General application to Northern Ireland
- 49. Premises used for poll: Scotland and Northern Ireland

SCHEDULE 2 — APPLICATION OF PROVISIONS OF OTHER ACTS PART 1 — POLITICAL PARTIES, ELECTIONS AND REFERENDUMS ACT 2000

- 1. Attendance of representatives of Electoral Commission at referendum proceedings
- Observation of working practices by representatives of the Electoral Commission
- 3. Accredited observers of referendum proceedings
- 4. Section 6D of the 2000 Act has effect for the...
- 5. Provision to the Electoral Commission of information about expenditure
- 6. Right to use rooms for holding public meetings

PART 2 — APPLICATION OF OTHER ENACTMENTS

- 7. Premises used for referendum purposes in England and Wales
- 8. Restriction on powers of arrest at polling station by persons other than constables

SCHEDULE 3 — APPLICATION OF EXISTING PROVISIONS OF REGULATIONS PART 1 — THE 2001 REGULATIONS (ENGLAND AND WALES) AND THE 2001 REGULATIONS (SCOTLAND)

- 1. Preliminary
- 2. The following provisions of the relevant regulations apply for the...
- Forms
- 4. Computation of time
- 5. Restriction on supply etc of record of anonymous entries
- 6. General requirements for applications for an absent vote
- 7. Signature of application for absent vote
- 8. Address to which to send ballot paper: requirements if different to address in application
- 9. Address to which to send ballot paper: requirements if different to address in records
- 10. Applications for appointment of a proxy
- 11. Additional requirements for applications for proxy to vote
- 12. Closing date for applications
- 13. Grant or refusal of applications
- 14. Cancellation of proxy appointment
- 15. Requirement to provide fresh signatures every 5 years
- 16. Records and lists
- 17. Conditions on use, supply and inspection of absent voter records or lists
- 18. Personal identifiers record
- 19. Notification of rejected postal voting statement
- 20. Interpretation of Part 5
- 21. Persons entitled to be present at proceedings on issue of postal ballot papers
- 22. Persons entitled to be present at proceedings on receipt of postal ballot papers
- 23. Agents of candidate who may attend proceedings on receipt of postal ballot papers
- 24. Notification of requirement of secrecy
- 25. Time when postal ballot papers are to be issued
- 26. Procedure on issue of postal ballot papers

- 27. Refusal to issue ballot paper
- 28. Envelopes
- 29. Sealing up of completed corresponding number lists
- 30. Delivery of postal ballot papers
- 31. Spoilt postal ballot papers
- 32. Lost postal ballot papers
- 33. Cancellation of postal ballot papers
- 34. Alternative means of returning postal ballot paper or postal voting statement: England and Wales
- 35. Alternative means of returning postal ballot paper or postal voting statement: Scotland
- 36. Notice of opening of postal ballot paper envelopes
- 37. Postal ballot boxes and receptacles
- 38. Receipt of covering envelope
- 39. Opening of postal voters' ballot box
- 40. Opening of covering envelopes
- 41. Confirming receipt of postal voting statements
- 42. Procedure in relation to postal voting statements: personal identifier verification
- 43. Opening of ballot paper envelopes
- 44. Retrieval of cancelled postal ballot papers
- 45. Lists of rejected postal ballot papers
- 46. Checking of lists of rejected postal ballot papers
- 47. Sealing of receptacles
- 48. Forwarding or retention of documents: England and Wales
- 49. Retention of documents: Scotland
- 50. Forwarding of documents: Scotland
- 51. Interpretation and application of Part 6: England and Wales
- 52. Restriction on supply etc of full register: England and Wales
- 53. Restriction on supply etc of full register: Scotland
- 54. Supply of free copy of full register for electoral purposes and restrictions on use: Scotland
- 55. Supply of free copy of full register for electoral purposes and restrictions on use: England and Wales
- 56. Offences: England and Wales
- 57. Offences: Scotland
- 58. Interpretation of Part 7: England and Wales
- 59. Interpretation of Part 7: Scotland
- 60. Supply of marked registers and lists after an election: England and Wales
- 61. Supply of marked registers and lists after an election: Scotland
- 62. Inspection of documents open to public inspection
- 63. For the purposes of the referendum, in regulation 118 of...
- 64. Conditions on use, supply and disclosure of documents open to public inspection
- 65. Form K: statement as to postal ballot papers
 - PART 2 THE 2008 REGULATIONS (NORTHERN IRELAND)
- 66. Preliminary
- 67. The following provisions of the 2008 Regulations apply for the...
- 68. Forms
- 69. Communication of notices made on polling day
- 70. Interpretation of Part 4
- 71. General requirements for applications for an absent vote

- 72. Address to which to send ballot paper: requirements if different to address in application
- 73. Address to which to send ballot paper: requirements if different to address in records
- 74. Additional requirements for applications for appointment of a proxy
- 75. Additional requirements for applications in respect of a particular election
- 76. Additional requirements for applications by proxies to vote by post at a particular election
- 77. Closing date for applications
- 78. Grant or refusal of applications
- 79. Cancellation of proxy appointment
- 80. Records and lists
- 81. Interpretation of Part 5
- 82. Time when postal ballot papers are to be issued
- 83. Persons entitled to be present at proceedings on issue and receipt of postal ballot papers
- 84. Agents of candidate who may attend proceedings on issue or receipt of postal ballot papers
- 85. Notification of requirement of secrecy
- 86. Notice of issue of postal ballot papers
- 87. Procedure on issue of postal ballot paper
- 88. Refusal to issue ballot paper
- 89. Envelopes
- 90. Sealing up of completed corresponding number lists
- 91. Delivery of postal ballot papers
- 92. Spoilt postal ballot papers
- 93. Tendered postal ballot papers
- 94. Notice of opening of postal ballot paper envelopes
- 95. Postal ballot boxes and receptacles
- 96. Receipt of covering envelope
- 97. Opening of postal voters' ballot box
- 98. Opening of covering envelopes
- 99. Procedure in relation to declarations of identity
- 100. Opening of ballot paper envelopes
- 101. Sealing of receptacles
- 102. Forwarding of documents
- 103. Restriction on supply etc of full register
- 104. Interpretation of Part 7
- 105. Supply of marked registers and lists after an election
- 106. Inspection of documents open to public inspection
- 107. Conditions on use, supply and disclosure of documents open to public inspection
- 108. Form N: statement as to postal ballot papers PART 3 OTHER REGULATIONS
- 109. Control of advertisements
- 110. The Town and Country Planning (Control of Advertisements) (Scotland) Regulations...
- 111. The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 apply...
- 112. Right of audience and right to conduct litigation
- 113. Provision of information regarding proxies
- 114. Persons convicted of corrupt or illegal practices: Gibraltar

115. Regulation 112 of the European Parliamentary Elections Regulations 2004 applies...

SCHEDULE 4 — FORMS

Explanatory Note

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:

- Sch. 1 para. 4(1)(e) omitted by S.I. 2016/636 reg. 3(2)(b)
- Sch. 1 para. 4(2) substituted by S.I. 2016/636 reg. 3(3)
- Sch. 1 para. 5(1)(g) substituted by S.I. 2016/636 reg. 3(4)
- 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
- reg. 22(8) modified by S.I. 2016/220 art. 4(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)