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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**

**Application to vote by post or by proxy in the referendum**

**73.**—(1) Where a person applies to the registration officer to vote by post, or to vote by proxy, in the referendum, the registration officer must grant the application if—

- (a) the officer is satisfied that the applicant is or will be registered in a relevant register,
  - (b) 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 applicant under Part 2,
  - (c) the application states the applicant's date of birth and the registration officer is satisfied that the date stated corresponds with the date supplied as the date of the applicant's birth in pursuance of section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act<sup>(1)</sup>,
  - (d) the application is signed and (unless section 10(4B), 10A(1B) or 13A(2B) of the 1983 Act<sup>(2)</sup> applies) the registration officer is satisfied that the signature on the application corresponds with the signature supplied as the applicant's signature in pursuance of section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of the 1983 Act,
  - (e) the application either states the applicant's national insurance number or states that the applicant does not have one, and the registration officer is satisfied as mentioned in paragraph (2) below, and
  - (f) the application meets the requirements prescribed by the 2008 Regulations.
- (2) For the purposes of paragraph (1)(e), the registration officer must be satisfied—
- (a) if the application states a national insurance number, that the requirements of paragraph (3) are met, or
  - (b) if the application states that the applicant does not have a national insurance number, that no such number was supplied as the applicant's national insurance number in pursuance of section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act.
- (3) The requirements of this paragraph are met if—

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(1) Section 10 was substituted, and sections 10A and 13A were inserted, by paragraphs 1, 4 and 6 of Schedule 1 to the Representation of the People Act 2000 (c.2). Subsection (4A) of section 10, subsection (1A) of section 10A and subsection (2A) of section 13A were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13). Section 10(4A) was amended by paragraph 9(1) and (6) of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6).

(2) Subsection (4B) of section 10, subsection (1B) of section 10A and subsection (2B) of section 13A were inserted by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13). Sections 10(4B) and 10A(1B) were amended by paragraphs 104, 105 and 106 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

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- (a) the number stated as mentioned in paragraph (2)(a) is the same as the one supplied as the applicant's national insurance number in pursuance of section 10(4A)(c)(i), 10A(1A)(c)(i) or 13A(2A)(c)(i) of the 1983 Act, or
  - (b) no national insurance number was supplied under any of those provisions, but the registration officer is not aware of any reason to doubt the authenticity of the application.
- (4) Nothing in paragraph (1) applies to—
- (a) a person who is included in the record kept under section 6 of the 1985 Act (absent vote at parliamentary elections for indefinite period),
  - (b) a peer who is included in the record kept under paragraph 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (absent vote at local elections for indefinite period), or
  - (c) a peer who is included in the record kept under regulation 8 of the European Parliamentary Elections (Northern Ireland) Regulations 2004<sup>(3)</sup> (absent vote at elections for indefinite period).
- (5) But if a person is included in a record mentioned in paragraph (4)(a), (b) or (c) and is shown in the record as voting by post, the person may, in respect of the referendum, apply to the registration officer—
- (a) for his or her ballot paper to be sent to a different address in the United Kingdom from that shown in the record, or
  - (b) to vote by proxy.
- (6) The registration officer must grant an application under paragraph (5) if it meets the requirements prescribed by the 2008 Regulations.
- (7) A person applying to vote by post must provide an address in the United Kingdom as the address to which the person's ballot paper is to be sent.

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**Commencement Information**

**II** Reg. 73 in force at 26.2.2016, see [reg. 1](#)

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(3) [S.I. 2004/1267](#).

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