

SCHEDULE 2

Article 6

MODIFICATIONS OF ACTS AND STATUTORY INSTRUMENTS

PART 1

TABLE

Representation of the People Act 2000

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 12 (changes relating to absent voting at elections in Great Britain)	
Section 12(1)	In subsection (1), after “shall have effect” insert “as regards referendums held in England under the Regional Assembly (Preparations) Act 2003, and”.
Schedule 4 (absent voting in Great Britain)	
In paragraph 1(1) (interpretation)	In the definition of “the appropriate rules”, at the end of paragraph (b) insert— “and (c) in the case of a referendum, the Rules contained in Schedule 1 to the Regional Assembly and Local Government Referendums Order 2004;”
Paragraph 2 (manner of voting at parliamentary or local government elections)	In sub-paragraph (1), at the end insert “or referendum”. For sub-paragraphs (2) to (6) substitute— “(2) Subject to paragraph (3) below, he may only vote by post. (3) If he is entitled to vote by proxy at the referendum, he may only vote by proxy.” In sub-paragraph (7) after “election” wherever it appears insert “or referendum”. In sub-paragraph (7)(b), for “so far as it has”, substitute “and the Regional Assembly and Local Government Referendums Order 2004 so far as they have”. After sub-paragraph (7)(b), insert “without prejudice to paragraphs 2(2) and (3).”
Paragraph 3 (absent vote at elections for definite or indefinite period)	After sub-paragraph 4, insert—

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>“(4A) A person shown in the record kept under sub-paragraph (4) as voting by proxy at local government elections for an indefinite or a particular period, shall be regarded as having had an application granted to vote by proxy at referendums held under the Regional Assemblies (Preparations) Act 2004 for the same period as that for local government elections.”</p>
Paragraph 4 (absent vote at particular election)	Omit sub-paragraph (1).
	For sub-paragraphs (2) and (3), substitute—
	<p>“(2) Where a person applies to the registration officer to vote by proxy at a particular Regional Assembly referendum where there is not a combined poll, or in particular combined referendums, the registration officer shall grant the application if—</p>
	<ul style="list-style-type: none"> (a) he is satisfied that the applicant’s circumstances will be or are likely to be such that he cannot reasonably be expected to vote on his own behalf, (b) he is satisfied that the applicant is or will be registered in the register of local government electors, and (c) the application meets the prescribed requirements.
	<p>(3) Nothing in sub-paragraph (2) applies to a person who is included in the record kept under paragraph 3 in respect of local government elections, but such a person may, in respect of the referendums in question apply to the registration officer to vote by proxy if he is shown in the record as voting by post at local government elections.”</p>
	In sub-paragraph (4)(b)—
	<ul style="list-style-type: none"> (a) omit the words “on the date of the poll”; and (b) for the words “to vote in person at the polling station allotted or likely to be allotted to him under the appropriate rules” substitute “to vote on his own behalf”.
	After paragraph 4, insert—
	“Redirection of ballot paper
	<p>4A.—(1) An elector or proxy may, in respect of a particular Regional Assembly referendum where the poll</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>is not combined, or a particular case of combined referendums, apply to the registration officer for his ballot paper at the referendum (or referendums) to be sent to a different address from that to which it would otherwise be issued.</p> <p>(2) The registration officer shall grant an application under sub-paragraph (1) if the application—</p> <ul style="list-style-type: none">(a) meets the prescribed requirements, and(b) contains a declaration by the applicant, who is entitled to be issued with the ballot paper, that he will receive the ballot paper at the address to which he requests the ballot paper to be sent.”
Paragraph 5 (absent voters list)	<p>After sub-paragraph (3), insert—</p> <p>“(4) The registration officer shall, in respect of each Regional Assembly referendum at which the poll is not combined, and any combined referendums, keep two special lists.</p> <p>(5) The first of the special lists (“the absent voters list”) consists of the two lists mentioned in sub-paragraphs (6) and (7) respectively.</p> <p>(6) The first of the two lists mentioned in sub-paragraph (5) is a list of those who are for the time being shown in the record kept under paragraph 3 as voting by post at local government elections (excluding those so shown whose applications under paragraph 4(3) above to vote by proxy at the referendum have been granted), together with the addresses provided by them in their applications under paragraph 3 as the addresses to which their ballot papers are to be sent.</p> <p>(7) The second of the two lists mentioned in sub-paragraph (5) is a list (“the list of proxies”) of—</p> <ul style="list-style-type: none">(a) those whose applications under paragraph 4(2) or (3) to vote by proxy at the particular Regional Assembly referendum where the poll is not combined or at the particular case of combined referendums, have been granted, and

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Paragraph 6 (proxies at elections)	<p>(b) those who are for the time being shown in the record kept under paragraph 3 as voting by proxy at local government elections (and thereby at referendums held under the Regional Assemblies (Preparations) Act 2003), together with (in each case) the names and addresses of those appointed as their proxies.”</p> <p>(8) The second of the special lists mentioned in sub-paragraph (4) is a list (“the list of redirection addresses”) of those whose applications under paragraph 4A(1) have been granted, together with the addresses to which their ballot papers are to be sent.”</p> <p>After sub-paragraph (1), insert—</p> <p>“1A) Subject to the provisions of this paragraph, any person is capable of being appointed to vote for another (in this paragraph and paragraph 7 referred to as “the elector”) at any referendum held under the Regional Assemblies (Preparations) Act 2003 and may vote in pursuance of the appointment.”</p> <p>In sub-paragraph (2), at the end of sub-paragraph (b), insert—</p> <p>“or</p> <p>(c) the elector cannot have more than one person at a time appointed to vote for him at referendums in the same Regional Assembly referendum area.”</p> <p>After sub-paragraph (4), insert—</p> <p>“(4A) A person is not capable of being appointed to vote at a referendum—</p> <p>(a) if he is subject to any legal incapacity (age apart) to vote at that referendum as an elector, or</p> <p>(b) if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland nor a relevant citizen of the Union⁽¹⁾.”</p> <p>In sub-paragraph (5), after “local government election” insert “or a referendum”.</p>

(1) See section 2002(1) of the Representation of the People Act 1983 (c. 2) for the definition of “relevant citizen of the Union”.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>In sub-paragraph (6), after sub-paragraph (b), insert—</p> <p>“or</p> <ul style="list-style-type: none">(c) at the same Regional Assembly referendum in any region, or(d) at the same local government referendum in a county area.” <p>After sub-paragraph (7) insert—</p> <p>“(7A) A proxy appointed to vote for an elector at local government elections (whether for an indefinite period or for a particular period) pursuant to an application made under sub-paragraph (7), shall be treated as appointed to vote for an elector at referendums for the same period as for those local government elections, and accordingly an appointment and proxy paper whilst in force for local government elections (whether for an indefinite period or for a particular period) shall be treated as in force for the referendums.”</p> <p>After sub-paragraph (8) insert—</p> <p>“(8A) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular Regional Assembly referendum where the poll is not combined, or at particular combined referendums, the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—</p> <ul style="list-style-type: none">(a) registered in the register of local government electors, and(b) entitled to vote by proxy at that Regional Assembly referendum where the poll is not combined, or at the combined referendums (as the case may be) by virtue of an application under paragraph 3, <p>and that the proxy is capable of being, and willing to be, appointed.”</p> <p>In sub-paragraph (10)—</p> <ul style="list-style-type: none">(c) after sub-paragraph (b), insert—<ul style="list-style-type: none">(bb) where the appointment related to a Regional Assembly referendum at which the poll is not combined, or particular combined referendums,

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Paragraph 7 (voting as proxy)	<p>on the issue of a proxy paper appointing a different person to vote for him at a referendum in the same Regional Assembly referendum area.”</p> <p>For sub-paragraph (1) substitute—</p> <p>“(1) A person entitled to vote as proxy at a referendum may do so only by post.”</p> <p>Omit sub-paragraphs (2) and (3).</p> <p>In sub-paragraph (4), omit the word “or” at the end of sub-paragraph (a) and omit sub-paragraph (b).</p> <p>For sub-paragraph (5), substitute—</p> <p>“(5) Those conditions are—</p> <ul style="list-style-type: none">(a) that the registration officer is satisfied that the elector is or will be registered in the register of local government electors, and(b) that there is in force an appointment of the applicant as the elector’s proxy to vote for him at local government elections, and(c) that the application meets the prescribed requirements.” <p>In sub-paragraph (6)(a) for “parliamentary elections, local government elections or both” substitute “local government elections”.</p> <p>Omit sub-paragraph (7).</p> <p>For sub-paragraph (8) substitute—</p> <p>“(8) The registration officer shall, in respect of each Regional Assembly referendum or local government referendum, keep a special list of those who are for the time being included in the record kept under sub-paragraph (6) in respect of local government elections, together with the addresses provided by them in their applications to vote by post under sub-paragraph (4)(a), as the addresses to which their ballot papers are to be sent.”</p>
Paragraph 8 (offences)	In sub-paragraph (b) after “4” insert “or 4A”.

PART 2

TABLE

Representation of the People Act 1983

<i>(1) Provision</i>	<i>(2) Modification</i>
Section 35(4) (appointments by returning officers)(2)	For the words from “returning officer” to “above”, substitute “Chief Counting Officer or counting officer”. After the word “functions” insert “at the referendum”.
Section 47 (loan of equipment for local elections)(3)	In subsection (1)— (a) for “fittings and compartments” substitute “and equipment”; and (b) for “the returning officer at a local government election”, substitute “the counting officer at a referendum”. In subsection (2)— (a) for “fittings and compartments” substitute “and other equipment required for the purpose of the referendum”; (b) omit the words from “, or” at the end of paragraph (a), to “as the case may be,”; and (c) for “an election held under those Acts” substitute “a referendum held under the Regional Assemblies (Preparations) Act 2003”.
Section 49(4) and (5) (effect of registers)(4)	In subsection (4)— (a) omit “parliamentary or”; and (b) after “this Part” insert “and the Regional Assembly and Local Government Referendums Order 2004”. In subsection (5), omit “parliamentary or” and “prevent the rejection of the vote on a scrutiny, or”.
Section 50 (effect of misdescription)	For “and the parliamentary election elections rules” substitute “and the Regional Assembly and Local Government Referendums Order 2004”.

(2) There are amendments not relevant to this Order.

(3) Section 47(1) was amended by S.I. 1991/1728, regulation 4.

(4) Section 49(5) was substituted by S.I. 1995/1948, Schedule 2 and amended by the Representation of the People Act 2000 (c. 2), Schedule 1.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 52 (discharge of registration duties)(5)	After subsection (1A) insert— “(1B) The function of giving directions under subsection (1) shall be exercisable only on, and in accordance with, a recommendation of the Electoral Commission.”
Section 54 (payment of expenses of registration)(6)	
Section 56 (registration appeal: England and Wales)(7)	Omit subsection (1)(a) and (4A).
Section 60 (personation)	In subsection (2)— (a) after “local government election” insert “or referendum held under the Regional Assemblies (Preparations) Act 2003”; (b) in paragraphs (a) and (b) omit “in person or”. In subsection (3), omit the words from “who has applied” to “person or”.
Section 61 (other voting offences)(8)	In subsection (1)— (a) omit “in person or” in both places where it occurs; and (b) after “local government election” and “local government elections” in each place, insert “or referendum” and “or referendums”, respectively. For subsections (2) to (4) substitute— “(2) A person shall be guilty of an offence if— (a) he votes on his own behalf otherwise than by proxy— (i) more than once in the same voting area; (ii) in more than one voting area; or (iii) in any voting area when there is in force an appointment of a person to vote as his proxy in the referendum in another voting area, or#

(5) Section 52 was amended by Schedules 4 and 5 to the Representation of the People Act 1985 (c. 50) and Schedules 1 and 7 to the Representation of the People Act 2000 (c. 2).

(6) Section 54 was amended by Schedule 4 to the Representation of the People Act 1985 (c. 50).

(7) Section 52 was amended by Schedules 2, 4 and 5 of the Representation of the People Act 1985 (c. 50) and Schedules 1 and 7 to the Representation of the People Act 2000 (c. 2).

(8) Section 61 was amended by the Representation of the People Act 1985 (c. 50), Schedules 2 and 5 and by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 10.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>(b) he applies 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 or without withdrawing a pending application for such an appointment.</p> <p>(3) A person shall be guilty of an offence if he votes as proxy for the same person either—</p> <p>(a) more than once in the same voting area; or</p> <p>(b) in more than one voting area.</p> <p>(4) A person shall also be guilty of an offence if he votes as proxy in any voting area for more than two persons of whom he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.”</p> <p>In subsection (6)—</p> <p>(a) omit the words from “who has applied” to “person, or”; and</p> <p>(b) omit the words from “, but” to the end.</p>
Section 63 (breach of official duty)(9)	<p>In subsection (3)—</p> <p>(a) in paragraph (b) for “returning officer or presiding officer,” substitute “Chief Counting Officer, counting officer, presiding officer or supervising clerk”; and</p> <p>(b) for “the law relating to parliamentary or local government elections” substitute “the law relating to the referendum”.</p>
Section 65 (tampering with papers)(10)	<p>In subsection (1)—</p> <p>(a) after “election” in the first place where it appears, insert “or a referendum”;</p> <p>(b) omit paragraph (a);</p> <p>(c) in paragraph (b), for “declaration of identity” substitute “security statement”;</p> <p>(d) for paragraph (e) substitute—</p> <p>“(e) fraudulently takes out of an assistance and delivery point any ballot paper;”.</p> <p>Omit subsection (2).</p> <p>In subsection (3)—</p>

(9) Section 63 was substituted by Schedule 4 to the Representation of the People Act 1985 (c. 50). Subsection (3) was amended by S.I. 2001/1149, Schedule 1.

(10) Subsections (3) and (4) were substituted by the Representation of the People Act 1985 (c. 50), Schedule 3.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 66 (requirement of secrecy)	<p>(a) for “returning officer” substitute “Chief Counting Officer, a counting officer”;</p> <p>(b) after “receipt of” omit “postal”.</p> <p>For section 66 substitute—</p>

“66 Requirement of Secrecy

(1) The following persons—

- (a) every Chief Counting Officer, counting officer and every presiding officer or clerk attending at a place for delivery at a referendum,
- (b) every referendum agent so attending, and
- (c) every representative of the Electoral Commission so attending,

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—

- (i) the name of any elector or proxy who has or has not been issued with a ballot pack, delivered his ballot paper to, or voted at, a place for delivery;
- (ii) the number on the register of electors of any elector who, or whose proxy, has or has not been issued with a ballot pack, delivered his ballot paper to, or voted at, a place for delivery;
- (iii) the ballot number applying to the ballot pack which has been issued to an elector or proxy for an elector; or
- (iv) the official mark.

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<ul style="list-style-type: none"><li data-bbox="932 421 1351 539">(a) ascertain or attempt to ascertain at the counting of the votes at a referendum the ballot number on the back of any ballot paper;<li data-bbox="932 555 1351 741">(b) communicate any information obtained at the counting of the votes as to the answer to a referendum question for which any vote is given on a particular ballot paper. <p data-bbox="900 757 1150 786">(3) No person shall—</p> <ul style="list-style-type: none"><li data-bbox="932 801 1351 891">(a) interfere with or attempt to interfere with a voter when recording his vote;<li data-bbox="932 907 1351 1122">(b) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the answer to a referendum question for which he has or has not voted. <p data-bbox="900 1137 1150 1167">(4) No person shall—</p> <ul style="list-style-type: none"><li data-bbox="932 1182 1351 1339">(a) obtain or attempt to obtain, at a place for delivery, information as to the answer for which a voter in that place is about to vote or has voted;<li data-bbox="932 1355 1351 1541">(b) communicate at any time to any person any information obtained at a place for delivery as to the answer for which a voter at that place is about to vote or has voted;<li data-bbox="932 1556 1351 1771">(c) communicate at any time to any person any information obtained at a place for delivery as to the ballot number on the back of a ballot paper or security statement issued to a voter (including any proxy). <p data-bbox="868 1787 1351 1944">(5) Every person attending the proceedings in connection with the issue of ballot packs or the receipt of ballot papers shall maintain and aid in maintaining the secrecy of the voting and shall not—</p> <ul style="list-style-type: none"><li data-bbox="932 1960 1351 2018">(a) except for some purpose authorised by law,

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or</p> <p>(b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the ballot number on the back of the ballot paper or on the security statement or any envelope sent or issued to any person; or</p> <p>(c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the ballot number on the back of any ballot paper or on the security statement or on any envelope sent or issued to any person; or</p> <p>(d) attempt to ascertain at the proceedings in connection with the receipt of ballot papers the answer to a referendum question for which any vote is given on any particular ballot paper or communicate any information with respect thereto at those proceedings.</p> <p>(6) No person having undertaken to assist a voter with disabilities to vote shall communicate at any time to any person any information as to the answer to a referendum question for which that voter intends to vote or has voted, or as to the ballot number on the back of the ballot paper or on the security statement given for the use of that voter.</p> <p>(7) No person who pursuant to any enactment has undertaken to assist a voter to vote, shall communicate at any time to any person any information as to the answer to a referendum question for which a voter intends to vote or has voted, or as to the ballot number on the back of the ballot</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>paper or on the security statement given for the use of the voter, except for some purpose authorised by law.</p> <p>(8) Nothing in this section shall be construed—</p> <ul style="list-style-type: none"><li data-bbox="932 600 1350 1137">(a) as, preventing the Chief Counting Officer or counting officer from publishing, or making it an offence to publish, information consisting solely of the number of ballot papers appearing to the Chief Counting Officer or counting officer to have been received by the counting officer at any time before the close of the poll; if the information disclosed does not include any information from which it can be ascertained whether any particular person has or has not returned a ballot paper; or<li data-bbox="932 1151 1350 1688">(b) as preventing, at a referendum, the Chief Counting Officer, counting officer or the Electoral Commission from carrying out a survey after close of the poll of those eligible to vote at the referendum, in order to ascertain whether those persons have or have not voted or why a particular voter did not return his security statement, provided that a survey shall not be designed or carried out in a manner as to elicit, directly or indirectly, from any person the answer for which a voter has or has not voted. <p>(9) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.</p> <p>(10) In this section “place for delivery” means a place provided by a counting officer at a referendum to which voters may deliver their ballot papers by hand.”</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 66A (prohibition on publication of exit polls)(11)	<p>In subsection (1), for “election” in each place where it appears substitute “referendum”.</p> <p>For subsection (2) substitute—</p> <p style="padding-left: 40px;">“(2) This section applies to any referendum.”</p> <p>In subsection (4), for the words from “of an election” to the end substitute “of a referendum is a reference to the result of the referendum as a whole or to the votes cast for any question at the referendum”.</p>
Section 92 (broadcasting from outside the United Kingdom)(12)	<p>In subsection (1), after “local government election” insert “or referendum”.</p> <p>In subsection (2), omit the words from “, but” to the end.</p>
Section 97 (disturbances at election meetings)(13)	<p>For subsection (2) substitute—</p> <p style="padding-left: 40px;">“(2) This section applies to a meeting in connection with a referendum held by a permitted participant during the referendum period.”</p>
Section 99 (officials not to act for candidates)(14)	<p>For subsection (1) substitute—</p> <p style="padding-left: 40px;">“(1) If—</p> <p style="padding-left: 80px;">(a) any counting officer or the Chief Counting Officer at a referendum, or</p> <p style="padding-left: 80px;">(b) any officer or clerk appointed under the Regional Assembly and Local Government Referendums Order 2004 to discharge the functions of a counting officer or the Chief Counting Officer at a referendum or whose services have been placed at the disposal of a counting officer or Chief Counting Officer for the purpose of assisting him in the discharge of his functions,</p> <p style="padding-left: 40px;">acts as an agent for a permitted participant(15), he shall be guilty of an offence.”</p>

(11) Section 66A was inserted by the Representation of the People Act 2000 (c. 2), Schedule 6.

(12) Subsection (1) was substituted by the Broadcasting Act 1990 (c. 42), Schedule 20.

(13) Subsection (2) was amended by the Representation of the People Act 1985 (c. 50), Schedule 4.

(14) Subsection (2) was substituted by the Representation of the People Act 1985 (c. 50), Schedule 23.

(15) See section 105 of the Political Parties, Elections and Referendums Act 2000 (c. 41) and as applied with modifications by Schedule 3 to this Order.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 100 (illegal canvassing by police officers)(16)	In subsection (1), for the words “from giving, his vote,” to the end, substitute “from giving, his vote, whether as an elector or as proxy, in the referendum in a voting area wholly or partly within the police area”.
Section 109 (payments for exhibition of election notices)	
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Section 113 (bribery)(17)	
Section 114 (treating)	
Section 115 (undue influence)	
Section 116 (rights of creditors)	Omit paragraphs (b) and (c).
Section 117(2) (savings as to parliamentary elections)	In subsection (2)— <ul style="list-style-type: none"> (a) (a) for “parliamentary electors or their proxies” substitute “electors or their proxies at a referendum”; (b) for “parliamentary election” substitute “referendum”. In subsection (2)(b) and (c), for “any particular candidate at the election” substitute “for any particular referendum answer”.
Section 118 (interpretation of Part II)(18)	Omit the definitions of “appropriate officer”, “candidate”, “committee room”, “date of the allowance of an authorised excuse”, “declaration as to election expenses”, “disputed claim”, “election expenses”, “personal expenses” and “return as to election expenses”.
Section 119 (computation of time for purposes of Part II)(19)	In subsection (2) omit “Maundy Thursday,”
Section 167 (application for relief)(20)	In subsection (1) omit the words from “or an election court” to the end. Omit subsections (3) and (5).

(16) Amended, so far as relevant, by the Representation of the People Act 1985 (c. 50), Schedule 3.

(17) There are amendments not relevant to this Order.

(18) The definitions of “money” and “pecuniary reward” were amended by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 18.

(19) Subsections (2) and (3) were substituted by section 19(4) of the Representation of the People Act 1985 (c. 50).

(20) Subsection (1A) was inserted by Schedule 4 to the Representation of the People Act 1985. Subsection (4) was repealed by Schedule 18 and 22 to the Political Parties, Elections and Referendums Act 2000 (c. 41). Subsection (5) was substituted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 168 (prosecutions for corrupt practices)(21)	Omit subsection (7).
Section 169 (prosecutions for illegal practice)(22)	
Section 170 (conviction of illegal practice on charge of corrupt practice etc.)	
Section 175 (illegal payments etc.)(23)	Omit subsection (2).
Section 176 (time limit for prosecutions)(24)	
Section 177 (local election offence punishable summarily)	For “an election under the local government Act”, substitute “a referendum under the Regional Assembly and Local Government Referendums Order 2004”. In paragraph (a), for “in the county in which the local government area for which the election was held is situated or which it adjoins” substitute “for the voting area in which the offence is alleged to have been committed”.
Section 178 (prosecution of offences committed outside the United Kingdom)(25)	
Section 179 (offences by associations)	Omit the words “or (b) any offence under section 110 above”.
Section 180A (evidence by certificate of electoral registration)(26)	
Section 181(1) (Director of Public Prosecutions)(27)	
Section 184 (service of notices)(28)	For “the county court, or any election court”, substitute “or the county court”.
In section 185 (interpretation of Part III)(29) the definitions of “judicial office”, “money” and “pecuniary reward”, “payment” and “public office”	
Section 186 (computation of time for purposes of Part III)	

(21) Section 168 was amended by the Representation of the People Act 1985 (c. 50), Schedules 3, 4 and 5.

(22) Section 169 was amended by the Representation of the People Act 1985, Schedules 3, 4 and 5.

(23) Section 175 was amended by the Representation of the People Act 1985 (c. 50), Schedule 3 and by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 21.

(24) Section 176 was amended by Schedules 4 and 5 to the Representation of the People Act 1985.

(25) Section 178 was amended by Schedule 4 to the Representation of the People Act 1985 (c. 50).

(26) Section 180A was inserted by Schedule 1 to the Representation of the People Act 1985.

(27) Subsection (1) was substituted by Schedule 4 to the Representation of the People Act 1985 (c. 50).

(28) Subsection (1) was amended by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 18. Subsection (2) was amended by S.I. 2001/1149, Schedule 1.

(29) The definition of “public office” was amended by Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 200 (public notices, and declarations)(30)	Omit subsection (1). For subsection (1A) substitute— “(1A) A public notice required by or under this Act or by or under the Regional Assembly and Local Government Referendums Order 2004 to be given by the proper officer of a local authority or the Chief Counting Officer or counting officer at a referendum shall be given by posting the notice in some conspicuous place or places in the voting area and may also be given in such other manner as he thinks desirable for publicising it.”
Section 202 (interpretation)(31), the definitions in subsection (1) of “the absent voters list”, “citizen of the Union”, “elector”, “legal incapacity”, “legal process”, “the list of proxies”, “overseas elector’s declaration”, “parliamentary elections rules”, “person”, “proper officer”, “service voter” and “voter”; and subsection (2)	In subsection (1), at the appropriate places, insert the following definitions— ““local government referendum” means a referendum held under section 2(2) of the Regional Assemblies (Preparations) Act 2003;” ““permitted participants” has the same meaning as in section 105 of the Political Parties, Elections and Referendums Act 2000 as applied and modified by the Regional Assembly and Local Government Referendums Order 2004;” ““referendum” means a Regional Assembly referendum or a local government referendum;” ““Regional Assembly referendum” means a referendum held under section 1(1) of the Regional Assemblies (Preparations) Act 2003;”
Section 203 (local government provisions as to England and Wales)(32)	

(30) Subsections (1) and (1A) was substituted by the Representation of the People Act 1985 (c. 50), Schedule 4.

(31) The definitions of “the absent voters list”, “the list of proxies” and “overseas elector’s declaration” were inserted by the Representation of the People Act 1985 (c. 50), Schedule 2, and the definitions of “the absent voters list” and “the list of proxies” were amended by the Representation of the People Act 2000 (c. 2), Schedule 6. The definition of “citizen of the Union” and “relevant citizen of the Union” were inserted by S.I. 1995/1948. The definition of “legal process” was inserted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41). The definition of “proper officer” was inserted by Schedule 3 to the Greater London Authority Act 1999 (c. 29). The definition of “qualifying address” was inserted by Schedule 1 to the Representation of the People Act 2000 (c. 2).

(32) Amended by the Greater London Authority Act 1999 (c. 29), Schedule 3; the Local Government Act 1985 (c. 51), Schedules 9 and 17; the Education Reform Act 1988 (c. 40), Schedule 13; the Representation of the People Act 1985 (c. 50), Schedule 4; and the Local Government (Wales) Act 1994 (c. 19), Schedule 16.

PART 3

TABLE

Representation of the People (England and Wales) Regulations 2001

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
In regulation 3(1) (interpretation), the definitions of “1985 Act”, “2000 Act”, “available for inspection”, “data”, “data form”, “edited register”, “register”, “registration area” and “registration officer”.	
Regulation 3(2)	At the end of sub-paragraph (b), insert— “, or (c) the corresponding rule in the Rules in Schedule 1 to the Regional Assembly and Local Government Referendums Order 2004.”
Regulation 3(3)	
Regulation 4 (forms), paragraph (1)(b) (forms) and to the extent of Forms E and K in Schedule 3, paragraph (2) of the regulation	
Regulation 5 (communication of applications, notices etc.)	
Regulation 6 (electronic signatures)	
Regulation 7(1) (copies of documents)	
Regulation 8 (time)	In paragraph (3) omit “Maundy Thursday.”.
Regulation 50 (interpretation of Part IV)	
Regulation 51 (general requirements for applications for an absent vote)	In paragraph (4), in sub-paragraph (b) for “or both” substitute “or referendums, or more than one, and if so which, of such polls”. For paragraph (5), substitute— “An application under Schedule 4 which is made for a particular Regional Assembly referendum where the poll is not combined, or for particular combined referendums, must— (a) state that it is so made, and (b) identify the referendum or referendums in question,” but where the application is for combined referendums it shall have effect as an

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Regulation 52 (additional requirements for applications for the appointment of a proxy)	application an application for both referendums.
Regulation 53 (additional requirements for application for a proxy vote for a definite or indefinite period on grounds of physical incapacity or blindness)	
Regulation 54 (additional requirements for applications for a proxy vote for a definite or indefinite period based on occupations, service, employment or attendance on a course)	For regulation 55 substitute— “55. An application under paragraph 4(2) of Schedule 4 to vote by proxy at a particular Regional Assembly referendum where the poll is not combined, or at particular combined referendums, shall set out why the applicant’s circumstances are such that he cannot reasonably be expected to vote on his own behalf.”
Regulation 55 (additional requirements for applications for a proxy vote in respect of a particular election)	For paragraph (1) substitute— “(1) An application under paragraph 3(2), 3(6) or 6(7) of Schedule 4 shall be disregarded for the purposes of a particular Regional Assembly referendum where the poll is not combined, or of particular combined referendums, and an application under paragraph 4(2), 4(3) or 4A(1) of Schedule 4 shall be refused if it is received by the registration officer after 5 p.m. on the sixteenth day before the date of the referendum or referendums.”
Regulation 56 (closing dates for applications)	Omit paragraph (2). In paragraph (5)— (a) for “parliamentary or local government election” substitute “Regional Assembly referendum at where the poll is not combined, or particular combined referendums”, and (b) for “eleventh” substitute “sixteenth”. In paragraph (6), omit “Maundy Thursday.” In paragraph (7)— (a) omit sub-paragraph (a); and

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Regulation 57 (grant of applications)	<p>(b) in sub-paragraph (b), after “local government election” insert “or referendum”.</p> <p>Omit paragraph (1).</p> <p>In paragraph (2)—</p> <p>(a) omit “and”, and</p> <p>(b) after “the duration of the appointment” insert “and that, for the duration of the appointment, the elector cannot vote on his own behalf at a referendum and all ballot papers and accompanying documents for a referendum will be sent to his proxy.”</p> <p>After paragraph (3) insert—</p> <p>“(3A) The form of proxy paper for the appointment of a proxy under paragraph 6(8A) of Schedule 4 (appointment of proxy at particular referendum or particular combined referendums) as shown in Part 4 of Schedule 3 to the Regional Assembly and Local Government Referendums Order 2004 is prescribed for the purposes of paragraph 6(9) of Schedule 4.”</p>
Regulation 58 (notice of appeal)	
Regulation 59 (cancellation of proxy appointment)	
Regulation 60 (inquiries by registration officer)	Omit paragraph (1)(b).
Regulation 61 (records and lists kept under Schedule 4)	<p>In paragraph (1), for “candidate or his election agent” substitute “referendum agent”.</p> <p>In paragraph (3), for “sixth” substitute “sixteenth”.</p>
Regulation 92 (interpretation and application of Part VI etc.)	
Regulation 93 (edited version of the register), paragraph (1) in respect of the definition of “the full register” and “the edited register”, and paragraph (5)	
Regulation 98 (supply of free copy of full register for electoral purposes and restrictions on use)	<p>For paragraph (6) substitute—</p> <p>“(6) Where a registration officer is not the counting officer for a local government referendum wholly or partly within his referendum area, he shall supply, free of charge, to that officer as many printed copies of the documents referred to in paragraph (3)(a) to (c) above, as the counting officer may reasonably</p>

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Regulation 106 (supply of full register etc. to registered political parties etc and restrictions on use)	require for the purposes of such a referendum, together with one copy of each in data form.”
Regulation 115 (offences in respect of contravention of Part VI regulations)	At the end of paragraph (9) insert “or for purposes connected with the referendum.”
	In paragraph (1)(c) and (4)(b) after “section 105(1)” (wherever occurring) insert “or 105(1A)”.

Regulation 57(3A)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Regional Assembly and Local Government Referendums Order 2004 No. 1962

Form E1—

Proxy paper for particular Regional Assembly referendum
(poll not combined) or particular combined referendums

PROXY PAPER

REGIONAL ASSEMBLY AND LOCAL GOVERNMENT REFERENDUMS

Voting area

Name of Proxy

Address

.....

.....

is hereby appointed as proxy for

(Name of elector)

who is qualified to be registered for

(Qualifying address of elector)

to vote for him/her at the Regional Assembly [and local government] referendum[s] in the above voting area on (date)

Signature

Electoral Registration Officer

Address

.....

.....

Date

YOUR RIGHT TO VOTE AS PROXY

- (1) This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given in this proxy paper. However, you may not vote as proxy at the same Regional Assembly referendum [*and at the same local government referendum] for more than two electors of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild.
- (2) Your appointment as proxy is for a particular Regional Assembly referendum [*and local government referendum] only. You have the right to vote as proxy only at the referendums specified in this proxy paper.
- (3) You may vote as proxy only by post. The elector's ballot paper will be sent to you.