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DRAFT STATUTORY INSTRUMENTS

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**2016 No.**

The European Union Referendum (Conduct) Regulations 2016

PART 2

REGULATIONS FOR THE CONDUCT OF THE  
REFERENDUM IN THE UNITED KINGDOM

*Action to be taken before the poll*

**Appointment of polling and counting agents**

**23.**—(1) A referendum agent may, before the commencement of the poll, appoint—

- (a) polling agents to attend at polling stations for the purpose of detecting personation;
- (b) counting agents to attend at the counting of the votes.

(2) A referendum agent may, for each count, designate one counting agent as a person authorised to require a re-count under regulation 47.

A designation under this paragraph must be made at the same time as the person's appointment as a counting agent.

(3) In paragraph (2) "count" includes a re-count and "re-count" includes a further re-count.

(4) The counting officer may limit the number of counting agents that may be appointed, so long as—

- (a) the number that may be appointed by each referendum agent is the same, and
- (b) the number that may be appointed by each referendum agent is not (except in special circumstances) less than the number obtained by dividing the number of clerks employed on the counting by the number of referendum agents.

(5) For the purposes of paragraph (4)(b), a counting agent appointed by more than one referendum agent is to be treated as a separate agent for each of them.

(6) A referendum agent who appoints a polling or counting agent must give the counting officer notice of the appointment by no later than the 5th day before the day of the poll.

(7) If a polling or counting agent dies, or becomes incapable of acting, the referendum agent may appoint another agent and must give the counting officer notice of the new appointment as soon as practicable.

(8) If a referendum agent designates a counting agent under paragraph (2) the notice under paragraph (6) or (7) must include notice of that fact.

(9) A notice under paragraph (6) or (7)—

- (a) must be in writing, and
- (b) must give the name and address of the appointee.

(10) In the following provisions of this Part, references to polling agents and counting agents are to be read as references to polling or counting agents appointed under paragraph (1) or (7)—

(a) whose appointments have been duly made and notified, and

(b) where the number of agents is restricted, who are within the permitted numbers.

(11) Any notice required to be given to a counting agent by the counting officer may be delivered at, or sent by post to, the address stated in the notice of appointment.

(12) A referendum agent may do or assist in doing anything that a polling or counting agent appointed by him or her is authorised to do; and anything required or authorised by this Part to be done in the presence of the polling or counting agents may be done in the presence of a referendum agent instead of his or her polling or counting agents.

(13) Where by this Part anything is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose does not invalidate the thing (if the thing is otherwise duly done).