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DRAFT STATUTORY INSTRUMENTS

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**2016 No.**

**The European Union Referendum (Conduct) Regulations 2016**

**PART 3**

**ABSENT VOTING IN THE REFERENDUM IN THE UNITED KINGDOM**

**CHAPTER 1**

**GREAT BRITAIN**

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

**62.**—(1) Where a person applies to the registration officer to vote by post 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, and
- (b) the application contains the applicant's signature and date of birth and meets the requirements prescribed by the relevant regulations.

(2) Where a person applies to the registration officer to vote by proxy in the referendum, the registration officer must grant the application if—

- (a) 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,
- (b) the officer is satisfied that the applicant is or will be registered in a relevant register, and
- (c) the application contains the applicant's signature and date of birth and meets the requirements prescribed by the relevant regulations.

(3) Where a person—

- (a) has an anonymous entry in a relevant register, and
- (b) applies to the registration officer to vote by proxy in the referendum,

the registration officer must grant the application if it meets the requirements prescribed by the relevant regulations.

(4) Nothing in paragraph (1), (2) or (3) applies to—

- (a) a person who is included in the record kept under paragraph 3 of Schedule 4 to the RPA 2000 (absent vote at elections for definite or indefinite period) in respect of parliamentary elections,
- (b) a peer who is included in the record kept under paragraph 3 of Schedule 4 to the RPA 2000 (absent vote at elections for definite or indefinite period) in respect of local government elections, or

- (c) a peer who is included in the record kept under paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004(1) (absent vote at elections for definite or indefinite period).
- (5) But if a person is included in a record mentioned in paragraph (4) 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 from that shown in the record, or
  - (b) to vote by proxy.
- (6) The registration officer must grant an application under paragraph (5) if—
  - (a) (in the case of any application) it meets the requirements prescribed by the relevant regulations, and
  - (b) (in the case of an application to vote by proxy) the registration 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.
- (7) The registration officer may dispense with the requirement under paragraph (1)(b) or (2)(c) for the applicant to provide a signature if the officer is satisfied that the applicant—
  - (a) is unable to provide a signature because of any disability the applicant has,
  - (b) is unable to provide a signature because the applicant is unable to read or write, or
  - (c) is unable to sign in a consistent and distinctive way because of any such disability or inability.
- (8) The registration officer must keep a record of those whose applications under this paragraph have been granted, showing—
  - (a) their dates of birth, and
  - (b) except in cases where the registration officer in pursuance of paragraph (7) has dispensed with the requirement to provide a signature, their signatures.
- (9) The record kept under paragraph (8) must be retained by the registration officer for the period of twelve months beginning with the date of the poll for the referendum.

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(1) [S.I. 2004/293](#), amended by [S.I. 2005/2114](#), [S.I. 2009/186](#), [S.I. 2013/2876](#), [S.I. 2015/459](#); there are other amending instruments but none is relevant.