

## SCHEDULE 3

### APPLICATION OF EXISTING PROVISIONS OF REGULATIONS

#### PART 1

#### THE 2001 REGULATIONS (ENGLAND AND WALES) AND THE 2001 REGULATIONS (SCOTLAND)

##### **Cancellation of postal ballot papers**

**33.**—(1) Regulation 78A of the relevant regulations (cancellation of postal ballot papers)(1) applies for the purposes of the referendum but with the following modifications.

(2) Paragraph (1) has effect for those purposes as if—

- (a) for the words from “final” to “application under” there were substituted “nineteenth day before the day of the poll for the referendum, an application under”,
- (b) in sub-paragraph (b), for the reference to “or 4(3)(b) of that Schedule” there were substituted “of Schedule 4 or regulation 62(5)(b) of the European Union Referendum (Conduct) Regulations 2016”,
- (c) in sub-paragraph (c), for the reference to “that Schedule” there were substituted “Schedule 4”,
- (d) in sub-paragraph (d), for the reference to “paragraph 4(3)(a) of that Schedule” there were substituted “regulation 62(5)(a) of the European Union Referendum (Conduct) Regulations 2016”,
- (e) in sub-paragraph (e), for the reference to “or (8) of that Schedule” there were substituted “of Schedule 4 or regulation 64(4) of the European Union Referendum (Conduct) Regulations 2016”,
- (f) in sub-paragraph (f), for the reference to “paragraph 7(7) of that Schedule” there were substituted “regulation 66(5) of the European Union Referendum (Conduct) Regulations 2016”,
- (g) in sub-paragraph (g), for the reference to “that Schedule” there were substituted “Schedule 4”,
- (h) for the reference to “paragraph 6(10) of that Schedule” there were substituted “paragraph 6(10) of Schedule 4 or regulation 64(4) of the European Union Referendum (Conduct) Regulations 2016”, and
- (i) for the reference to “that election” there were substituted “the referendum”.

(3) For the purposes of the referendum, paragraphs (1), (2) and (3) have effect as if for “returning officer” (in each place) there were substituted “counting officer”.

(4) For the purposes of the referendum the following paragraph is treated as substituted for paragraph (5)—

“(5) In computing a period of days for the purposes of this regulation the following days are to be disregarded—

- (a) a Saturday or Sunday,

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(1) Regulation 78A of the England and Wales Regulations was inserted by regulation 30 of S.I. 2013/3198. Regulation 78A of the Scotland Regulations was inserted by regulation 31 of S.I. 2013/3206 and was amended by regulations 2 and 9 of S.I. 2015/450.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Conduct) Regulations 2016 No. 219

- (b) Christmas Eve, Christmas Day, Good Friday and any other day that is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom,
- (c) any day that is a bank or public holiday in Gibraltar under the Gibraltar Acts titled the Banking and Financial Dealings Act and the Interpretation and General Clauses Act, and
- (d) any day appointed in any part of the United Kingdom or Gibraltar as a day of public thanksgiving or mourning.”