

SCHEDULE 4

Application, with Modifications, of Acts and Subordinate Legislation

Interpretation

- 1.—(1) The provisions set out in the first column of Tables 1 to 6 have effect subject to—
- (a) any modification mentioned in the second column of those Tables, and
 - (b) unless the context otherwise requires, the modifications mentioned in sub-paragraph (2).
- (2) The modifications mentioned in this paragraph are—
- (a) a reference to an election must be construed as a reference to the referendum;
 - (b) a reference to a returning officer must be construed as a reference to the counting officer;
 - (c) a reference to a constituency, an electoral division or a ward must be construed as a reference to a voting area;
 - (d) a reference to voting for, or a vote for, a candidate must be construed as a reference to voting for, or a vote for, an answer;
 - (e) a reference to promoting or procuring the election of a candidate, or furthering a person's candidature, must be construed as a reference to promoting or procuring a particular result in the referendum;
 - (f) references to nomination papers and, except as mentioned in sub-paragraphs (d) and (e), references to candidates, must be ignored;
 - (g) a reference to the return of a person must be construed as a reference to a particular result in the referendum;
 - (h) a reference to a person voting as an elector must be construed as a person voting on his own behalf;
 - (i) a reference to a person's entitlement as an elector to an absent vote must be construed as a reference to a person's entitlement to vote by post on his own behalf or to vote by proxy;
 - (j) except where the polls at the referendum and an election are taken together in accordance with regulation 10(1) or (7), where anything is required to be done in the presence of election, polling, counting or other agents, the reference to the presence of agents must be ignored;
 - (k) a reference to anything having been prescribed must be construed as a reference to its being provided for by a provision of subordinate legislation applied by these Regulations;
 - (l) a form which is required to be used may be used with such variations as the circumstances require;
 - (m) a reference to the registration officer, in relation to a district or a London borough, is a reference to the relevant registration officer appointed under section 8 of the 1983 Act⁽¹⁾; and for the purpose of the exercise of a registration officer's functions in relation to the referendum, section 52(1) to (4)⁽²⁾ (discharge of registration duties) and section 54(1), (3) and (4)⁽³⁾ (payment of expenses of registration) of that Act have effect;
 - (n) a reference to an election petition must be construed as a reference to a referendum petition;
 - (o) any reference to an enactment or instrument made under an enactment must be construed as a reference to that enactment or instrument as applied by these Regulations;

(1) 1983 c. 2.

(2) As amended by paragraph 12 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(3) As amended by paragraph 14 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

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- (p) so much of any provision as applies only in Scotland, Wales or Northern Ireland is to be ignored.

Table 1

| Representation of the People Act 1983(4) | |
|---|--|
| <i>(1) Provision</i> | <i>(2) Modification</i> |
| Section 13B (alteration of registers: pending elections)(5) | After “election”, in each place, substitute “ or referendum”. After subsection (4) insert— “(4A) This section also applies to referendums.” |
| Section 31 (polling districts and stations at local government elections)(6) | In subsection (1)— (a) for “elections of county councillors” substitute “referendums by or in respect of a county”, and (b) for “elections of London borough or district councillors” substitute “referendums by or in respect of a London borough or district”. In subsection (3) for “local government elections” substitute “referendums”. |
| Section 35(4) (appointments by returning officers) | |
| Section 36(4) and (6) (returning officer’s expenditure at local elections)(7) | In subsection (4) for the words from “by a returning officer” to “London borough” substitute “by a counting officer for a voting area in relation to the holding of a referendum”. In subsection (6) for the words from the beginning to “councillor, the council” substitute “Before a poll is taken at such a referendum as is referred to in subsection (4), the authority”. Paragraph 1(2)(b) of this Schedule does not have effect in relation to the first reference in subsection (6) to the returning officer. |

(4) 1983 c. 2.

(5) The existing section 13B was substituted (together with sections 13 and 13A) for section 13 as originally enacted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2); section 13B was amended by the section 11 of the Electoral Administration Act 2006 (c. 41).

(6) Section 31 was amended by Schedule 17 to the Local Government Act 1985 (c. 50), paragraph 2 of Schedule 3 to the Greater London Authority Act 1999 (c. 29) and paragraph 108 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(7) Subsection (4) was amended by Schedule 17 to the Local Government Act 1985 (c. 51).

| <i>(1) Provision</i> | <i>(2) Modification</i> |
|--|---|
| Section 47 (loan of equipment for local elections)(8) | In subsection (1) for “the returning officer at a local government election” substitute “the counting officer at a referendum”. In subsection (2)— (a) omit the words from “, or” at the end of paragraph (a) to “as the case may be”; (b) for “an election held under those Acts” substitute “a referendum”. |
| Section 49(4) to (5) (effect of registers)(9) | In subsection (5) omit “prevent the rejection of the vote on a scrutiny or”. |
| Section 60 (personation) | In subsection (2) omit “parliamentary or”. |
| Section 61 (other voting offences)(10) | In subsection (1) after “local government election” and “local government elections”, in each place, insert “or referendum” or “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 where there is in force an appointment of a person to vote as his proxy in the referendum in another voting area, or (b) he votes on his own behalf in person and is entitled to vote by post, or (c) he votes on his own behalf in person knowing that a person appointed to vote as his proxy has already voted in person or is entitled to vote by post, or (d) he applies for a person to be appointed as his proxy to vote for him without applying for |

(8) Section 47 was amended by S.I. 1991/1728 and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(9) Subsection (4A) was inserted by paragraph 7 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); subsection (5) was substituted by S.I. 1995/1948 and amended by paragraph 12 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

(10) Section 61 was amended by paragraph 2 of Schedule 2, and Schedule 5, to the Representation of the People Act 1985 (c. 50), paragraph 10 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), paragraph 83 of Schedule 27 to the Civil Partnership Act 2004 (c. 33) and section 38(3) of the Electoral Administration Act 2006 (c. 22).

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| <i>(1) Provision</i> | <i>(2) Modification</i> |
|---|--|
| | <p>the cancellation of a previous appointment of a third party 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—</p> <p>(a) he votes as proxy for the same person either—</p> <p>(i) more than once in the same voting area, or</p> <p>(ii) in more than one voting area, or</p> <p>(b) he votes in person as proxy for a person and is entitled to vote by post as proxy for someone whom he already knows to have voted in person.</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 spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.”</p> <p>For subsection (6A) substitute—</p> <p>“(6A) A person is not guilty of an offence under subsection (2)(b) only by reason of his having marked a tendered ballot paper in pursuance of rule 29 of the Local Government Act Referendums Rules or rule 31 of the Local Government Act Referendums (Combination of Polls) Rules (as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007.”</p> |
| Section 62A (offences relating to applications for postal and proxy votes)(11) | In subsection (1)(a) after “election” insert “or referendum”. |
| Section 63 (breach of official duty)(12) | In subsection (3) after “local government election” in both places insert “or referendum”. |
| | In subsection (4)(a) after “election” insert “or referendum”. |
| Section 65 (tampering with ballot papers, etc.)(13) | In subsection (1)— |

(11) Section 62A was inserted by section 40 of the Electoral Administration Act 2006 (c. 22).
 (12) The existing section 63 was substituted by paragraph 19 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by S.I. 2001/1149 and sections 7 and 41(8) of the Electoral Administration Act 2006 (c. 22).
 (13) Section 65 was amended by paragraph 2 of Schedule 3 to the Representation of the People Act 1985 (c. 50) and paragraphs 72 and 96 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

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| <i>(1) Provision</i> | <i>(2) Modification</i> |
|--|--|
| | <p>(a) after “election”, in the first place it occurs, insert “or referendum”, and</p> <p>(b) omit paragraph (a).</p> <p>In subsection (3) for “clerk” substitute “person”.</p> |
| Section 66 (requirement of secrecy)(14) | <p>For subsection (1)(b) substitute—</p> <p>“(b) every polling observer, so attending.”.</p> |
| Section 66A (prohibition of exit polls)(15) | <p>In subsection (2) omit the “and” preceding paragraph (b) and after that paragraph insert—</p> <p>“; and</p> <p>(c) any referendum”.</p> |
| Section 92 (broadcasting from outside the United Kingdom)(16) | <p>In subsection (1) after “local government election” insert “or referendum”.</p> |
| Section 94 (imitation poll cards)(17) | <p>In subsection (2)—</p> <p>(a) after “section 36” insert “above, or regulations made under section 45 of the Local Government Act 2000”, and</p> <p>(b) after “the rules”, insert “or, as the case may be, the regulations”.</p> |
| Section 96 (schools and rooms for local election meetings)(18) | <p>For subsection (1) substitute—</p> <p>“(1) Subject to the provisions of this section, any person is entitled, for the purpose of holding a public meeting to promote a particular result in the referendum, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies.</p> <p>(1A) In subsection (1), “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”</p> <p>Omit subsection (2).</p> <p>In subsection (3)—</p> <p>(a) for the words from “electoral area for which” to “that electoral area” substitute “voting area”, and</p> |

(14) Section 66 was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50), paragraph 11 of Schedule 3 to the Greater London Authority Act 1999 (c. 29) and paragraphs 82, 86 and 96 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(15) Section 66B was inserted by paragraphs 3 and 6 of Schedule 6 to the Representation of the People Act 2000 (c. 2).

(16) Section 92 was amended by paragraph 35 of Schedule 20 to the Broadcasting Act 1990 (c. 42) and paragraph 61 of Schedule 17 to the Communications Act 2003 (c. 21).

(17) Section 94 was amended by paragraph 36 of Schedule 4 to the Representation of the People Act 1985 (c. 50).

(18) The existing section 96 was substituted for section 96 as originally enacted by paragraph 38 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by paragraph 11 of Schedule 40 to the School Standards and Framework Act 1998 (c. 31) and paragraph 29 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

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| <i>(1) Provision</i> | <i>(2) Modification</i> |
|--|--|
| | <p>(b) omit paragraph (b).</p> <p>In subsection (4)—</p> <p>(a) omit the words “and paragraph 1(1) of Schedule 5 to this Act”,</p> <p>(b) after the words “that section” insert “subject to the substitution in subsection (5) of that section, for the word “candidate” of the word “person””, and</p> <p>(c) omit the words from “and any person” to the end.</p> <p>After subsection (4) insert—</p> <p>“(5) The lists maintained by a county council, district council or London borough council of meeting rooms which candidates at a parliamentary election in any constituency are entitled to use shall have effect for the purposes of the referendum; and any person shall, before the referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.”</p> |
| Section 97 (disturbances at election meetings)(19) | <p>For subsection (2) substitute—</p> <p>“(2) This section applies to a meeting in connection with a referendum held during the campaign period.</p> <p>(2A) In subsection (2) “the campaign period” means the period of 25 days ending with the day before the date of the referendum.”</p> |
| Section 100(1) and (2) (illegal canvassing by police officers)(20) | <p>In subsection (1) for the words from “from giving his vote” to the end substitute “from giving his vote in the referendum in a voting area wholly or partly within the police area”.</p> |
| Section 109 (payments for the exhibition of election notices) | |
| Section 110 (details to appear on election publications)(21) | |
| Section 111 (prohibition of paid canvassers) | |
| Section 112 (providing money for illegal purposes) | |
| Section 113 (bribery)(22) | |

(19) Section 97 was amended by paragraph 39 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and Part 1 of Schedule 7 to the Police and Criminal Evidence Act 1984 (c. 60).

(20) Subsection (2) was amended by paragraph 5 of Schedule 3 to the Representation of the People Act 1985 (c. 50).

(21) The existing section 110 was substituted for section 110 as originally enacted by paragraph 14 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(22) Section 113 was amended by paragraph 30 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

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| <i>(1) Provision</i> | <i>(2) Modification</i> |
|--|---|
| Section 114 (treating) | |
| Section 115 (undue influence)(23) | |
| Section 116 (rights of creditors) | Omit paragraphs (b) and (c). |
| Section 118 (interpretation of Part 2)(24) | |
| Section 119 (computation of time for purposes of Part 2)(25) | In subsection (1)(b) after “disregarded” insert— “; and (c) in computing any period referred to in section 96(1A) or 97(2A), as applied for the purposes of a referendum, any of the days so mentioned shall be disregarded.” |
| Section 167 (application for relief)(26) | |
| Section 168 (prosecutions for corrupt practices)(27) | |
| Section 169 (prosecutions for illegal practices)(28) | |
| Section 170 (conviction of illegal practice on charge of corrupt practice etc) | |
| Section 173(1)(a)(i), (2) and (3)(29) | In subsection (1)(a)(i) after “Great Britain” insert “or at any referendum”. |
| Section 174 (mitigation and remission etc.)(30) | |
| Section 175 (illegal payments etc.)(31) | Omit subsection (2). |
| Section 176 (time limit for prosecutions) | |
| Section 177 (summary trial) | For “the local government Act” substitute “the Local Authority (Conduct of Referendums) (England) Regulations 2007”. In subsection (1)(a) for the words from “in the county” to “adjoins”, substitute “for the voting |

- (23) Section 115 was amended by section 39(1) of the Electoral Administration Act 2006 (c. 22).
- (24) Section 118 was amended by paragraph 43 of Schedule 4 to the Representation of the People Act 1985 (c. 50), section 135 of and paragraph 15 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and paragraphs 119 and 133 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
- (25) Section 119 was amended by section 19(4) of the Representation of the People Act 1985 (c. 50) and paragraphs 49 and 51(1) of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
- (26) Section 167 was amended by paragraph 56 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and paragraph 18 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (27) Section 168 was amended by paragraph 8 of Schedule 3 and paragraph 57 of Schedule 5 to the Representation of the People Act 1985 (c. 50) and paragraph 121 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
- (28) Section 169 was amended by paragraph 9 of Schedule 3 to the Representation of the People Act 1985 (c. 50).
- (29) The existing section 173 was substituted for section 173 as originally enacted by section 136 of the Political Parties, Elections and Referendums Act 2000 (c. 41) and amended by paragraph 122 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
- (30) Section 174 was amended by paragraph 18 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (31) Section 175 was amended by paragraph 10 of Schedule 3 to the Representation of the People Act 1985 (c. 50) and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

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| <i>(1) Provision</i> | <i>(2) Modification</i> |
|--|---|
| | area in which the offence is alleged to have been committed”. |
| Section 178 (prosecution of offences committed outside the United Kingdom)(32) | |
| Section 179 (offences by associations) | |
| Section 181(1) (Director of Public Prosecutions)(33) | |
| Section 185 (interpretation of Part 3)(34) | |
| Section 199B (translations of certain documents)(35) | In subsections (1), (5) and (7) after “local government election” insert “or referendum”. |
| | Omit subsection (4)(a). |
| Section 200(1A) and (2) (public notices, and declarations)(36) | |
| Section 202 (interpretation)(37) | |

Table 2

Representation of the People Act 1985(38)

| <i>(1) Provision</i> | <i>(2) Modification</i> |
|--|---|
| Section 15 (combination of polls at parliamentary, European and elections)(39) | After subsection (1)(c) insert— “(d) a referendum and an election of one or more of the descriptions specified in paragraphs (a) to (c),”. |
| | In subsection (2), after “related areas”, insert “or the polls at elections and a referendum”. |
| | In subsection (4)— |

- (32) The existing section 178 was substituted for section 178 as originally enacted by paragraph 62 of Schedule 4 to the Representation of the People Act 1985 (c. 50).
- (33) Subsection (1) was amended by paragraph 63 of Schedule 4 to the Representation of the People Act 1985 (c. 50).
- (34) Section 185 was amended by paragraph 10 of Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and paragraphs 86 and 87 of Schedule 6 to the Licensing Act 2003 (c. 17).
- (35) Section 199B was inserted by section 36 of the Electoral Administration Act 2006 (c. 22).
- (36) Subsection (1A), together with the existing subsection (1), were substituted for subsection (1) as originally enacted by paragraph 68 of Schedule 4 to the Representation of the People Act 1985 (c. 50).
- (37) Section 202 was amended by Part 1 of Schedule 2 and paragraph 70 of Schedule 4 to the Representation of the People Act 1985 (c. 50), the Statute Law (Repeals) Act 1993 (c. 50), S.I. 1995/1948, the Schedule to the Law Officers Act 1997 (c. 60), paragraph 38 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), paragraph 22 of Schedule 1 and paragraphs 3 and 9 of Schedule 6 to the Representation of the People Act 2000 (c. 2), paragraph 19 of Schedule 18 and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41), S.I. 2001/1149 and section 73 and paragraphs 13, 76 and 128 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
- (38) 1985 c. 50.
- (39) The European Assembly to which section 15 as originally enacted referred was renamed the European Parliament by section 3 of the European Communities (Amendment) Act 1986 (c. 58); section 15 was amended by paragraph 7 of Schedule 7 to the Local Government Act 2003 (c. 26) and section 3(2) of the Elections Act 2001 (c. 7).

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| <i>(1) Provision</i> | <i>(2) Modification</i> |
|----------------------|--|
| | <p>(a) after “elections”, in the first place where that word appears, insert “or elections and a referendum (as the case may be)”,</p> <p>(b) after “one election” insert “or the referendum”, and</p> <p>(c) after “elections”, in the second place where that word appears, insert “or the elections and the referendum (as the case may be)”.</p> |

Table 3

Representation of the People Act 2000(40)

| <i>(1) Provision</i> | <i>(2) Modification</i> |
|--|--|
| Section 10 (pilot schemes for local elections in England and Wales)(41) | <p>In subsection (2)—</p> <p>(a) after “Representation of the People Acts”, insert “or the Local Government Act 2000”, and</p> <p>(b) in paragraph (c) for “candidates” substitute “any campaign organiser within the meaning of regulation 6 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.</p> <p>In subsection (3)—</p> <p>(a) in paragraph (b) for “candidates” substitute “campaign organisers”, and</p> <p>(b) for “section 75(1) of the 1983 Act (restriction on third party election expenditure)” substitute “regulation 6 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.</p> <p>Omit subsection (4).</p> <p>At the end of subsection (7)(a) insert “or the Local Government Act 2000”.</p> <p>In subsection (11) for the words after “means”, substitute “a county council, district council or a London borough council.”</p> |
| Section 12 (changes relating to absent voting at elections in Great Britain) | <p>In subsection (1) at the end insert “; and as regards referendums”.</p> |

(40) 2000 c. 2.

(41) Section 10 was amended by paragraph 16 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

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| <i>(1) Provision</i> | <i>(2) Modification</i> |
|---|--|
| Schedule 4 (absent voting in Great Britain)(42) | <p>In paragraph 1(1), in the definition of “the appropriate rules” at the end of paragraph (b), insert—</p> <p style="padding-left: 40px;">“; and</p> <p style="padding-left: 80px;">(c) in the case of a referendum, the Local Government Act Referendums Rules or the Local Government Act Referendums (Combination of Polls) Rules (as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007”.</p> <p>In paragraphs 2 to 7, 7C and 7D, except in paragraphs 3(1), 3(2), 3(4)(a)(i), 6(7), 7(4)(a) and 7(6)(a)(i), after “local government election”, “local government elections”, “elections” and “election”, insert, as the context requires, “or a referendum”, “or referendums”, or “or the referendum”.</p> <p>In paragraphs 3(1) and 3(2) for “or at both” substitute “or at referendums, or at any combination of such polls”.</p> <p>In paragraphs 3(4)(a)(i) and 7(6)(a)(i) for “or both” substitute “or referendums, or at any combination of such polls”.</p> <p>In paragraphs 6(7) and 7(4)(a) for “or at both” substitute “or at referendums, or at any combination of such polls”.</p> |

Table 4

Political Parties, Elections and Referendums Act 2000(43)

| <i>(1) Provision</i> | <i>(2) Modification</i> |
|--|---|
| Section 6A (attendance of representatives of Commission at elections etc.) | <p>After subsection (1)(b) insert—</p> <p style="padding-left: 40px;">“;</p> <p style="padding-left: 80px;">(c) proceedings relating to a referendum under the Local Authorities (Conduct of Referendums) (England)</p> |

(42) Schedule 4 was amended by paragraph 164 of Schedule 27 to the Civil Partnerships Act 2004 (c. 33), and sections 5, 14, 35 and 38 of, and paragraphs 19, 20 and 137 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22).

(43) 2000 c. 41. All the provisions mentioned in this Table were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

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| <i>(1) Provision</i> | <i>(2) Modification</i> |
|--|--|
| | Regulations 2007 which are the responsibility of the counting officer.” |
| Section 6B (observation of working practices by representatives of Commission) | After subsection (2) insert— “(2A) A representative of the Commission may also observe the working practices of a counting officer at a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2007, and any person acting under his direction.” |
| Section 6C (accredited observers: individuals) | In subsection (1) after “applies” insert “or which is held under the Local Authorities (Conduct of Referendums) (England) Regulations 2007”. |
| Section 6D (accredited observers: organisations) | In subsection (1) after “applies” insert “or which is held under the Local Authorities (Conduct of Referendums) (England) Regulations 2007”. |
| Section 6E (attendance and conduct of observers) | For subsection (4)(c) substitute— “(c) in the case of any other proceedings at a referendum to which Part 7 applies, the relevant counting officer (within the meaning of section 6A); (ca) in the case of any other proceedings at a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2007, the counting officer;” In subsection (4) for “or (c)” substitute “, (c) or (ca)”. |

Table 5

Electoral Administration Act 2006(44)

| <i>(1) Provision</i> | <i>(2) Modification</i> |
|---|--|
| Section 42 (access to other election documents) | |
| Section 43 (access to other election documents: contravention of regulations) | In subsection (1)(a) after “section 42” insert “as applied by the Local Authorities (Conduct of Referendums) (England) Regulations 2007”. |
| Section 44 (access to other election documents: supplementary) | In subsection (5) for the words “election documents” to “Northern Ireland)” substitute “referendum documents are such documents relating to a referendum”. |

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| <i>(1) Provision</i> | <i>(2) Modification</i> |
|--|--|
| | After subsection (7)(e) insert— |
| | “; |
| | (f) in relation to a referendum, a voting area within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007.” |
| Section 46 (returning officers: correction of procedural errors) | After subsection (3)(b) insert— |
| | “; |
| | (c) a referendum.” |
| | Omit subsection (6). |
| Section 69 (encouraging electoral participation) | After subsection (8)(b) insert— |
| | “; |
| | (c) a counting officer at a referendum.” |

Table 6

The Representation of the People (England and Wales) Regulations 2001(45)

| <i>(1) Provision</i> | <i>(2) Modification</i> |
|--|---|
| Regulation 3 (interpretation)(46) | At the end of paragraph (2)(b) insert— |
| | “, or |
| | (c) in the case of a referendum, the corresponding rule in the Local Government Act Referendums Rules or the Local Government Act Referendums (Combination of Polls) Rules (as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007.” |
| Regulation 4(1)(b) (forms) and, to the extent of Form E in Schedule 3, (2) | |
| Regulation 5 (communication of applications, notices, etc)(47) | |
| Regulation 6 (electronic signatures and related certificates)(48) | |

(45) S.I. 2001/341; as amended by S.I. 2001/1700, 2002/1871, 2004/226, 2005/2114, 2006/752 and 2006/2910.

(46) As amended by S.I. 2001/1700, 2002/1871 and 2006/2910.

(47) As amended by S.I. 2006/2910.

(48) As amended by S.I. 2006/2910.

| <i>(1) Provision</i> | <i>(2) Modification</i> |
|--|--|
| Regulation 7 (copies of documents)(49) | |
| Regulation 8 (time)(50) | |
| Regulation 11 (interference with notices) | |
| Regulation 50 (interpretation of Part 4)(51) | |
| Regulation 51 (general requirements for an absent vote)(52) | For paragraph (4)(b) substitute— “(b) whether it is made for all or any of parliamentary elections, local government elections or referendums.” |
| | In paragraph (5)— (a) after “election”, in each place, insert “or referendum”, and (b) omit “elections”. |
| Regulation 51A (additional provision concerning the requirement that an application for an absent vote must be signed by the applicant)(53) | |
| Regulation 51AA (additional requirement for applications for ballot papers to be sent to different address from that stated in application)(54) | |
| Regulation 51B (additional requirements for applications for ballot papers to be sent to different address from that shown in the record kept under paragraph 3(4) or 7(6) of Schedule 4)(55) | |
| Regulation 52 (additional requirements for applications for the appointment of a proxy) | |
| Regulation 55 (additional requirements for applications for a proxy vote in respect of a particular election)(56) | |
| Regulation 56 (closing dates for applications)(57) | In paragraphs (1) to (5) and (7)(b) after “election”, in each place, insert “or referendum”. |
| Regulation 57 (grant or refusal of applications)(58) | In paragraph (5) after “election” insert “or referendum”. |

(49) As amended by S.I. 2002/1871 and 2006/2910.

(50) As amended by S.I. 2006/2910.

(51) As amended by S.I. 2006/2910.

(52) As amended by S.I. 2006/752 and 2006/2910.

(53) Inserted by S.I. 2006/752 and amended by S.I. 2006/2910.

(54) Inserted by S.I. 2006/2910.

(55) Inserted by S.I. 2006/2910.

(56) Substituted by S.I. 2006/752 and amended by S.I. 2006/2910.

(57) Amended by S.I. 2006/752 and 2006/2910.

(58) Amended by S.I. 2006/752 and 2006/2910.

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| <i>(1) Provision</i> | <i>(2) Modification</i> |
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| Regulation 58 (notice of appeal) | |
| Regulation 59 (cancellation of proxy appointment) | |
| Regulation 61B (59) | In paragraph (3)(a) for “any candidate or agent” substitute “those”. |
| Regulation 62 (marked register for polling stations) (60) | |
| Regulation 64 (interpretation of Part 5) (61) | Omit the definition of “agent”. |
| Regulation 65 (combination of polls) | Substitute— <p style="margin-left: 40px;">“65. Where the polls at elections or referendums are taken together under—</p> <p style="margin-left: 80px;">(a) section 15(1) or (2) of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local government elections),</p> <p style="margin-left: 80px;">(b) section 36(3) or (3AB) of the 1983 Act (combination of polls at local elections), or</p> <p style="margin-left: 80px;">(c) the Local Authorities (Conduct of Referendums) (England) Regulations 2007,</p> <p style="margin-left: 40px;">the proceedings at the issue and receipt of postal ballot papers may, if the returning and counting officers concerned agree, be taken together.”</p> |
| Regulation 66 (form of postal voting statement) | Omit paragraph (a). |
| Regulation 67 (persons entitled to be present at proceedings on issue of postal ballot papers) (62) | |
| Regulation 68 (persons entitled to be present at proceedings on the receipt of postal ballot papers) (63) | <i>Where the issue and receipt of postal votes are not taken together at more than one poll in accordance with regulation 65 of the Representation of the People Regulations as applied by these Regulations:</i> <p style="margin-left: 40px;">For paragraphs (a) to (d) substitute—</p> <p style="margin-left: 80px;">“(a) the counting officer and his clerks,</p> |

(59) Inserted by [S.I. 2006/2910](#).

(60) Amended by [S.I. 2006/2910](#).

(61) Amended by [S.I. 2006/2910](#).

(62) Amended by [S.I. 2006/2910](#).

(63) Amended by [S.I. 2006/2910](#).

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(b) persons who by virtue of rule 35(2) (a) to (e) of the Local Government Act Referendums Rules or rule 37(3)(a) to (e) of the Local Government Act Referendums (Combination of Polls) Rules (as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 are entitled to attend at the counting of the votes.”

Where the issue and receipt of postal votes are taken together at more than one poll in accordance with regulation 65 of the Representation of the People Regulations as applied by these Regulations:

After paragraph (d) insert—

- “(e) the counting officer and his clerks, and
- (f) persons who by virtue of rule 35(2) (a) to (e) of the Local Government Act Referendums Rules or rule 37(3)(a) to (e) of the Local Government Act Referendums (Combination of Polls) Rules (as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 are entitled to attend at the counting of the votes.”

Regulation 69 (agents of candidates who may attend proceedings on receipt of postal ballot papers)

In paragraph (8) for “candidates or their agents” substitute “persons entitled to be present by virtue of regulation 68”.

Where the issue and receipt of postal votes are not taken together at more than one poll in accordance with regulation 65 of the Representation of the People Regulations as applied by these Regulations:

Omit paragraphs (1) to (7).

Where the issue and receipt of postal votes are taken together at more than one poll in accordance with regulation 65 of the

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| | <i>Representation of the People Regulations as applied by these Regulations:</i> |
| | For paragraph (3) substitute— |
| | “(3) Where postal ballot papers for more than one election or referendum are issued together by virtue of regulation 65, the references to the returning officer in paragraphs (2), (4) and (5) must be construed as references to the returning or counting officer who issues the postal ballot papers.” |
| Regulation 70 (notification of requirement of secrecy) | |
| Regulation 71 (time when postal ballot papers are to be issued) | |
| Regulation 72 (procedure on issue of postal ballot paper)(64) | In paragraph (5) after “one election” insert “or referendum, or for an election combined with a referendum”. |
| | In paragraph (5)(a)— |
| | (a) after “elections” insert “and referendums”, and |
| | (b) after “election” insert “or referendum”. |
| | In paragraph (6) for “the poll at one election is taken with the poll at another election” substitute “polls are taken together”. |
| Regulation 73 (refusal to issue postal ballot paper)(65) | |
| Regulation 74 (envelopes)(66) | |
| Regulation 75 (sealing up of completed corresponding number lists and security of special lists)(67) | |
| Regulation 76 (delivery of postal ballot papers) | |
| Regulation 77 (spoilt postal ballot papers)(68) | In paragraph (2)(b) for “election” substitute “poll”. |
| Regulation 78 (lost postal ballot papers)(69) | In paragraph (2A)(b) for “election” substitute “poll”. |

(64) Amended by S.I. 2002/1871, 2006/752 and 2006/2910.

(65) Amended by S.I. 2006/2910.

(66) Amended by S.I. 2006/2910.

(67) Amended by S.I. 2006/2910.

(68) Amended by S.I. 2006/752 and 2006/2910.

(69) Amended by S.I. 2006/752 and 2006/2910.

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| Regulation 79(3) to (5) (alternative means of returning postal ballot paper or postal voting statement)(70) | In paragraph (5) for “polling agents” substitute “polling observers (if any)”. |
| Regulation 80 (notice of opening of postal ballot paper envelopes) | <p><i>Where the issue and receipt of postal votes are not taken together at more than one poll in accordance with regulation 65 of the Representation of the People Regulations as applied by these Regulations:</i></p> <p>In paragraph (1) for “each candidate” substitute “those persons who by virtue of rule 35(2)(a) to (e) of the Local Government Act Referendums Rules or rule 37(3)(a) to (e) of the Local Government Act Referendums (Combination of Polls) Rules (as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 are entitled to attend at the counting of the votes”.</p> <p>Omit paragraph (2)(b).</p> <p><i>Where the issue and receipt of postal votes are taken together at more than one poll in accordance with regulation 65 of the Representation of the People Regulations as applied by these Regulations:</i></p> <p>In paragraph (1) after “each candidate” insert “and those persons who by virtue of rule 35(2)(a) to (e) of the Local Government Act Referendums Rules or rule 37(3)(a) to (e) of the Local Government Act Referendums (Combination of Polls) Rules (as the case may be) within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 are entitled to attend at the counting of the votes”.</p> |
| Regulation 81 (postal ballot boxes and receptacles)(71) | In paragraphs (3) and (4) for “the agents” substitute “those”. |
| Regulation 82 (receipt of covering envelopes) | |
| Regulation 83 (opening of postal voters’ ballot box) | In paragraph (1) for “the agents” substitute “such of those who are entitled to attend as are present”. |

(70) Amended by S.I. 2006/752.

(71) Amended by S.I. 2006/2910.

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|---|---|
| Regulation 84 (opening of covering envelopes)(72) | |
| Regulation 84A (confirming receipt of postal voting statements)(73) | |
| Regulation 85 (procedure in relation to postal voting statements)(74) | In paragraph (3) for “agents” substitute “counting observers or agents or both (as the case may be)”. |
| Regulation 85A (procedure in relation to postal voting statements: personal identifier verification)(75) | In paragraph (4) for “agents” substitute “counting observers or agents or both (as the case may be)”. |
| Regulation 85B (Postal Voting Statements: additional personal identifier verification)(76) | In paragraphs (3)(a) and (c) and (4) for “agents” substitute “counting observers or agents or both (as the case may be)”. |
| Regulation 86 (opening of ballot paper envelopes) | |
| Regulation 86A (retrieval of cancelled postal ballot papers)(77) | In paragraph (2)(b) and (f) for “agents” substitute “counting observers or agents or both (as the case may be)”. |
| Regulation 87 (lists of rejected postal ballot papers) | |
| Regulation 88 (checking of lists kept under regulation 87) | |
| Regulation 89 (sealing of receptacles)(78) | |
| Regulation 91 (forwarding of documents)(79) | After paragraph (2) insert— “(2A) In the case of a referendum, the documents to be forwarded under paragraph (1) are to be forwarded to the registration officer of the local authority by or in respect of which the referendum is held.” |
| Regulation 116 (interpretation of Part 7)(80) | |
| Regulation 118 (inspection of documents open to public inspection)(81) | |
| Regulation 119 (conditions on the use, supply and disclosure of documents open to public inspection)(82) | |

(72) Amended by [S.I. 2006/2910](#).

(73) Inserted by [S.I. 2006/2910](#).

(74) Amended by [S.I. 2002/1871](#) and [2006/2910](#).

(75) Inserted by [S.I. 2006/2910](#).

(76) Inserted by [S.I. 2006/2910](#).

(77) Inserted by [S.I. 2006/2910](#).

(78) Inserted by [S.I. 2006/2910](#).

(79) Amended by [S.I. 2006/752](#) and [2006/2910](#).

(80) Inserted by [S.I. 2006/2910](#).

(81) Inserted by [S.I. 2006/2910](#).

(82) Inserted by [S.I. 2006/2910](#).

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| In Schedule 3, Form E(83) | <p>After “REPRESENTATION OF THE PEOPLE ACTS” insert “*[[insert name of council] REFERENDUM]”.</p> <p>After “European Parliamentary electoral area” insert “Referendum voting area”.</p> <p>After the words “*[European Parliamentary election]”, in both places where they occur, insert “*[referendum]”.</p> <p>After the words “*[European Parliamentary electoral region]”, in both places where they occur, insert “*[voting area]”.</p> <p>In the note after “election” in each place insert “or referendum”.</p> |