
STATUTORY INSTRUMENTS

2010 No. 2837

The National Assembly for Wales Referendum
(Assembly Act Provisions) (Referendum
Question, Date of Referendum Etc.) Order 2010

Interpretation etc.

2.—(1) In this Order, except where the context requires otherwise—

“the 1983 Act” means the Representation of the People Act 1983(1);

“the 2000 Act” means the Political Parties, Elections and Referendums Act 2000;

“the 2006 Act” means the Government of Wales Act 2006;

“the 2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001(2);

“the 2007 Order” means the National Assembly for Wales (Representation of the People) Order 2007(3);

“absent voter” means an elector who is entitled to vote by proxy in the referendum or an elector or proxy who is entitled to vote by post in the referendum; and absent vote is to be construed accordingly;

“anonymous entry” in relation to a register is to be construed in accordance with section 9B of the 1983 Act(4) and “record of anonymous entries” means the record prepared in pursuance of regulations made by virtue of paragraph 8A of Schedule 2 to the 1983 Act(5);

“available for inspection” means available for inspection during ordinary office hours;

“Chief Counting Officer” means the Chief Counting Officer for the referendum(6);

“the Commission” means the Electoral Commission established by section 1 of the 2000 Act;

“counting agent” means a person appointed under rule 17(1)(b) of the Referendum Rules;

“counting officer”, in relation to a voting area, means the officer appointed for that area under section 128(3) of the 2000 Act;

“designated counting agent” means a counting agent designated under rule 17(2) of the Referendum Rules;

“disability”, in relation to doing a thing, includes the short term inability to do it;

“elector” means any person entitled to vote on that person’s own behalf in the referendum(7);

(1) 1983 c.2.

(2) S.I.2001/341, as amended by SIs 2001/1700, 2002/1871, 2004/294 and 1848, 2005/2114, 2006/752 and 2910, 2007/1025 and 1368, 2008/1901 and 3296, 2009/725 and 2010/882.

(3) S.I. 2007/236 to which there are amendments not relevant to this Order.

(4) Section 9B of the Representation of the People Act 1983 was inserted by section 10(1) of the Electoral Administration Act 2006 (c.22). There is an amendment to it not relevant to this Order.

(5) Paragraph 8A of Schedule 2 to the Representation of the People Act 1983 was inserted by paragraph 15(1) and (6) of Schedule 1 to the Electoral Administration Act 2006; and *see* S.I. 2006/2910 made thereunder.

(6) *See* section 128(2) of the Political Parties, Elections and Referendums Act 2000.

(7) *See* paragraph 1 of Schedule 6 to the Government of Wales Act 2006, as read with section 12 of that Act, for the persons entitled to vote in the referendum.

- “electoral number” means a person’s number in the register to be used in the referendum⁽⁸⁾;
- “legal incapacity” includes any disqualification imposed by this Order or by any other enactment;
- “list of proxies” means the list kept under paragraph 4(3) of Schedule 1;
- “permitted participant” has the same meaning as in section 105(1) of the 2000 Act;
- “polling agent” means a person appointed under rule 17(1)(a) of the Referendum Rules;
- “postal ballot paper” means a ballot paper issued to a postal voter;
- “postal proxy” means a person entitled to vote by post as proxy in the referendum;
- “postal voter” means an elector or proxy who is entitled to vote by post in the referendum;
- “postal voters list” means the list kept under paragraph 4(2) of Schedule 1;
- “postal voting statement” is the form B set out in Schedule 6 that is to be sent with the postal ballot paper to a postal voter in accordance with rule 12 of the Referendum Rules;
- “presiding officer” is to be read in accordance with rule 14 of the Referendum Rules;
- “proxy postal voters list” means the list kept under paragraph 6(8) of Schedule 1;
- “qualifying address” has the same meaning as in section 9(8)(b) of the 1983 Act;
- “qualifying Commonwealth citizen” means a Commonwealth citizen who is either—
- (a) not a person who requires leave under the Immigration Act 1971⁽⁹⁾ to enter or remain in the United Kingdom, or
 - (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act,
- but a person is not a qualifying Commonwealth citizen if he does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases);
- “the referendum” means the referendum under article 3;
- “referendum agent” means a person appointed under article 18;
- “the referendum period” means the period specified in article 5;
- “Referendum Rules” means the rules for the conduct of the referendum set out in Schedule 3;
- “register” means the register of local government electors;
- “registration officer” has the meaning given by section 8 of the 1983 Act;
- “relevant citizen of the Union” means a citizen of the Union who is not a qualifying Commonwealth citizen nor a citizen of the Republic of Ireland and “citizen of the Union” is to be construed in accordance with Article 20 of the Treaty on the Functioning of the European Union;
- “relevant registration officer” is to be construed in accordance with rule 42(3) of the Referendum Rules;
- “relevant time” means 5p.m. on the eleventh day before the day of the poll in the referendum;
- “responsible person” has the same meaning as in section 105(2) of the 2000 Act;

(8) As to electoral numbers, *see* section 9 of the Representation of the People Act 1983 as substituted by paragraph 3 of Schedule 1 to the Representation of the People Act 2000 (c.2) and as amended by Schedule 1 paragraph 4 and Schedule 2 to the Electoral Administration Act 2006.

(9) 1971 c.77. There are amendments to section 8 that are not relevant to this Order.

“service voter” means a person who has made a service declaration in accordance with section 15 of the 1983 Act⁽¹⁰⁾ and is registered or entitled to be registered in pursuance of it;

“universal service provider” has the same meaning as in the Postal Services Act 2000⁽¹¹⁾;

“valid postal voting statement” means a postal voting statement, which, in accordance with paragraph 19 or 20 of Schedule 2, the counting officer is satisfied has been duly completed;

“voter” means a person voting in the referendum and includes a person voting as proxy and, except in the Referendum Rules, a person voting by proxy, and “vote” (whether noun or verb) is to be construed accordingly, except that in those Rules any reference to an elector voting or an elector’s vote includes a reference to an elector voting by proxy or elector’s vote given by proxy; and

“voting area” means a county or county borough in Wales.

(2) For the purposes of this Order a person is to be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of that person’s birth.

(3) A power conferred by this Order to give a direction includes power to vary or revoke the direction.

⁽¹⁰⁾ Section 15 was amended by [S.I.1995/1948](#), Schedule 2 paragraph 4; the Representation of the People Act 2000, Schedule 1 paragraphs 1 and 8 and by the Electoral Administration Act 2006, sections 12(7) and 13(1).

⁽¹¹⁾ [2000 c. 26](#). See section 4(3) and (4) of that Act.