

---

STATUTORY INSTRUMENTS

---

**2016 No. 219**

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

**PART 2**

**REGULATIONS FOR THE CONDUCT OF THE  
REFERENDUM IN THE UNITED KINGDOM**

*The poll*

**Tendered postal ballot papers: anonymous entries in Northern Ireland**

**39.**—(1) This regulation applies to a person (“P”) who—

- (a) is an elector with an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland, or
- (b) is entitled to vote by post as a proxy for such an elector,

and who claims to have lost, or not received, a postal ballot paper.

(2) P may apply to the counting officer for a replacement postal ballot paper (referred to in this Part as a “tendered postal ballot paper”).

(3) The application—

- (a) may be made by post or in person,
- (b) must be accompanied by a specified document within the meaning of regulation 32,
- (c) must be delivered to the counting officer—
  - (i) where the application is made by post, before 4pm on the fourth day before the day of the poll, or
  - (ii) where the application is made in person, before 4pm on the day before the day of the poll.

(4) If the counting officer—

- (a) is satisfied as to P’s identity, and
- (b) has no reason to doubt that P has lost, or not received, a postal ballot paper,

the counting officer must issue a tendered postal ballot paper to P in accordance with the relevant postal voting provisions.

(5) A tendered postal ballot paper must be of a different colour from the other ballot papers.

(6) P, if issued with a tendered postal ballot paper, may mark it, sign it, and send it to the counting officer, in the same manner as a postal ballot paper.

(7) A tendered postal ballot paper which has not been signed, or which does not meet the conditions in regulation 46(5) and (6), is void.

(8) On receipt of a tendered postal ballot paper, the counting officer must deal with it in accordance with the relevant postal voting provisions.

---

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The European Union Referendum (Conduct) Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

- (9) The counting officer must—
  - (a) endorse each tendered postal ballot paper with the entry in the register of the elector in question, and
  - (b) set it aside in a separate packet of tendered postal ballot papers.
- (10) The counting officer must add the entry in the register of the elector in question to a list (referred to in this Part as “the tendered postal votes list”).
- (11) The counting officer must seal the packet of tendered postal ballot papers.
- (12) This regulation applies in the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act (alteration of registers in Northern Ireland: pending elections) as if—
  - (a) in paragraph (1), for “in a register maintained” there were substituted “in respect of whom a notice under section 13BA(9) of the 1983 Act has been issued”, and
  - (b) in paragraphs (9)(a) and (10), for “entry in the register of the elector in question” there were substituted “entry relating to the elector in question on a notice issued under section 13BA(9) of the 1983 Act”.

---

**Commencement Information**

**II** Reg. 39 in force at 26.2.2016, see [reg. 1](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The European Union Referendum (Conduct) Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations modified by [S.I. 2016/220 art. 4\(4\)Sch. 2](#)
- Regulations power to modify conferred by [S.I. 2016/220 art. 3Sch. 1](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 4(1)(ca) inserted by [S.I. 2016/636 reg. 3\(2\)\(a\)](#)