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## STATUTORY INSTRUMENTS

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# 2016 No. 219

## The European Union Referendum (Conduct) Regulations 2016

### PART 3

#### ABSENT VOTING IN THE REFERENDUM IN THE UNITED KINGDOM

##### CHAPTER 1

##### GREAT BRITAIN

#### **Manner of voting in the referendum**

**60.**—(1) This regulation applies to determine the manner of voting in England and Wales or Scotland of a person entitled to vote in the referendum.

(2) The person may vote in person at the polling station allotted to him or her under Part 2, unless the person is entitled to vote by post or by proxy in the referendum.

(3) The person may vote by post if the person is entitled to vote by post in the referendum.

(4) If the person is entitled to vote by proxy in the referendum, the person may so vote unless, before a ballot paper has been issued for the person to vote by proxy, the person applies at the polling station allotted to him or her under Part 2 for a ballot paper for the purpose of voting in person, in which case he or she may vote in person there.

(5) If the person is not entitled to vote by post or by proxy in the referendum, the person may vote in person at any polling station in the same voting area as the polling station allotted to him or her under Part 2 if paragraph (6) applies.

(6) This paragraph applies if the person cannot reasonably be expected to go in person to the polling station allotted to him or her under Part 2 by reason of his or her employment on the date of the poll for a purpose connected with the referendum, if that employment is—

- (a) as a constable or as a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees), or
- (b) by the counting officer.

(7) Nothing in this regulation applies to a person to whom section 7 of the 1983 Act<sup>(1)</sup> (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, whether the person is registered by virtue of that provision or not; and such a person may vote—

- (a) in person (where the person is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission), or
- (b) by post or by proxy (where the person is entitled to vote by post or, as the case may be, by proxy in the referendum).

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<sup>(1)</sup> Section 7 was substituted by section 4 of the Representation of the People Act 2000 (c.2). It was amended by section 12(1) of the Electoral Administration Act 2006 (c.22); paragraphs 1 and 2 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6); paragraph 1 of Schedule 1 to S.I. 2005/2078; and paragraph 12 of Schedule 1 to S.S.I. 2005/465.

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**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](#)

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(8) Nothing in this paragraph applies to a person to whom section 7A of the 1983 Act<sup>(2)</sup> (persons remanded in custody) applies, whether the person is registered by virtue of that provision or not; and such a person may vote only by post or by proxy (where the person is entitled to vote by post or, as the case may be, by proxy in the referendum).

(9) Paragraph (2) does not prevent a person, at the polling station allotted to him or her, marking a tendered ballot paper in pursuance of regulation 37.

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**Commencement Information**

**II** Reg. 60 in force at 26.2.2016, see [reg. 1](#)

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(2) Section 7A was inserted by section 5 of the Representation of the People Act 2000 (c.2). It was amended by section 12(2) of the Electoral Administration Act 2006 (c.22); paragraphs 1 and 3 of Schedule 4 to the Electoral Registration and Administration Act 2013 (c.6); paragraph 1 of Schedule 1 to S.I. 2005/2078; and paragraph 12 of Schedule 1 to S.S.I. 2005/465.

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**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\(2\)\(a\)](#)