

## SCHEDULE 3

### APPLICATION OF EXISTING PROVISIONS OF REGULATIONS

## PART 2

### THE 2008 REGULATIONS (NORTHERN IRELAND)

#### Preliminary

**66.**—(1) In this Part of this Schedule the “2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008.

(2) In any provision of the 2008 Regulations as applied by this Part of this Schedule—

(a) expressions defined by section 11 of the 2015 Act have the meaning given by that section, and

(b) expressions defined by regulation 5 have the meaning given by that regulation.

(3) Sub-paragraph (2) does not apply to the extent that the context otherwise requires.

#### Commencement Information

**I1** Sch. 3 para. 66 in force at 26.2.2016, see [reg. 1](#)

**67.** The following provisions of the 2008 Regulations apply for the purposes of the referendum—

(a) regulation 3 (interpretation)(**1**);

(b) regulation 5 (applications, notices etc);

(c) regulation 6 (electronic signatures);

(d) regulation 8 (time);

(e) regulation 11 (interference with notices etc);

(f) regulation 25 (alteration of registers under section 13BA(3) of the 1983 Act)(**2**);

(g) regulation 40 (representations regarding clerical errors);

(h) regulation 119 (fees relating to the supply of marked registers and lists).

#### Commencement Information

**I2** Sch. 3 para. 67 in force at 26.2.2016, see [reg. 1](#)

#### Commencement Information

**I1** Sch. 3 para. 66 in force at 26.2.2016, see [reg. 1](#)

**I2** Sch. 3 para. 67 in force at 26.2.2016, see [reg. 1](#)

(1) Regulation 3 was amended by regulation 2 of [S.I. 2014/1808](#).

(2) Regulation 25 was amended by regulation 2 of [S.I. 2010/278](#).

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## Forms

**68.**—(1) Regulation 4 of the 2008 Regulations (forms) applies for the purposes of the referendum but with the following modifications.

(2) Paragraph (1) has effect for those purposes as if for “an election” there were substituted “the referendum”.

(3) Paragraph (2) has effect for the purposes of the referendum only in so far as it relates to Form N in Schedule 3 to the 2008 Regulations.

### Commencement Information

**I3** Sch. 3 para. 68 in force at 26.2.2016, see [reg. 1](#)

## Communication of notices made on polling day

**69.** Regulation 45 of the 2008 Regulations (communication of notices made on polling day) applies for the purposes of the referendum but as if in paragraph (3) for “returning officer” there were substituted “counting officer”.

### Commencement Information

**I4** Sch. 3 para. 69 in force at 26.2.2016, see [reg. 1](#)

## Interpretation of Part 4

**70.** Regulation 54 of the 2008 Regulations (interpretation of Part 4) has effect for the purposes of the referendum as if after “his allotted polling station” there were inserted “(apart from in regulation 59)”.

### Commencement Information

**I5** Sch. 3 para. 70 in force at 26.2.2016, see [reg. 1](#)

## General requirements for applications for an absent vote

**71.**—(1) Regulation 55 of the 2008 Regulations (general requirements for applications for an absent vote)<sup>(3)</sup> has effect for the purposes of the referendum with the following modifications.

(2) Paragraph (1) has effect for those purposes as if after “the 1985 Act” there were inserted “or Chapter 2 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”.

(3) Paragraph (2) has effect for the purposes of the referendum as if—

- (a) after “section 6(1) or 7(1)” there were inserted “of the 1985 Act or regulation [73\(1\)](#) or [77\(5\)](#) of the European Union Referendum (Conduct) Regulations 2016”,
- (b) after “section 7(1)(ba) to (bc) of the 1985 Act” there were inserted “regulation [73\(1\)\(c\)](#) to [\(e\)](#) or [77\(5\)\(d\)](#) of those Regulations”,
- (c) in sub-paragraph (b), after “the 1985 Act” there were inserted “or regulation [77\(5\)](#) of the European Union Referendum (Conduct) Regulations 2016”,

(3) Regulation 55 was amended by regulation 16 of [S.I. 2014/1808](#).

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- (d) in sub-paragraph (c) for “such an application” there were substituted “an application under section 9 of the 1985 Act”, and
- (e) in sub-paragraph (d), after “the 1985 Act” there were inserted “or regulation 73(1) or 77(5) of the European Union Referendum (Conduct) Regulations 2016”.

**Commencement Information**

**I6** Sch. 3 para. 71 in force at 26.2.2016, see [reg. 1](#)

**Address to which to send ballot paper: requirements if different to address in application**

**72.** Regulation 55A of the 2008 Regulations (additional requirement for applications for ballot paper to be sent to different address to that in register)(4) has effect for the purposes of the referendum as if—

- (a) after paragraph (1)(c) there were inserted—
  - “(d) in the case of an application to vote by post under regulation 73(1) of the European Union Referendum (Conduct) Regulations 2016, the address provided in accordance with regulation 73(7) of those Regulations and regulation 55(2)(b) above are different.”, and
- (b) in paragraph (2) “of the 1985 Act” were omitted.

**Commencement Information**

**I7** Sch. 3 para. 72 in force at 26.2.2016, see [reg. 1](#)

**Address to which to send ballot paper: requirements if different to address in records**

**73.** Regulation 55B of the 2008 Regulations (additional requirement for applications for ballot paper to be sent to different address from that in records)(5) applies for the purposes of the referendum but as if for sub-paragraphs (a) and (b) of paragraph (1) there were inserted “regulation 73(5)(a) or 77(7) of the European Union Referendum (Conduct) Regulations 2016 by a person (“A”) shown as voting by post in the record referred to in that provision”.

**Commencement Information**

**I8** Sch. 3 para. 73 in force at 26.2.2016, see [reg. 1](#)

**Additional requirements for applications for appointment of a proxy**

**74.** Regulation 56 of the 2008 Regulations (additional requirement for applications for the appointment of a proxy)(6) applies for the purposes of the referendum but as if—

- (a) in paragraph (1), after “the 1985 Act” there were inserted “or regulation 75(4) of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) after paragraph (2)(b) there were inserted—
  - “; or

(4) Regulation 55A was inserted by regulation 5 of [S.I. 2010/278](#) and amended by regulation 17 of [S.I. 2014/1808](#).

(5) Regulation 55B was inserted by regulation 5 of [S.I. 2010/278](#) and amended by regulation 18 of [S.I. 2014/1808](#).

(6) Regulation 56 was amended by regulation 19 of [S.I. 2014/1808](#).

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- (c) regulation [77\(5\)](#) of the European Union Referendum (Conduct) Regulations 2016.”

**Commencement Information**

**I9** Sch. 3 para. 74 in force at 26.2.2016, see [reg. 1](#)

**Additional requirements for applications in respect of a particular election**

**75.**—(1) Regulation 59 of the 2008 Regulations (additional requirements for applications in respect of a particular election)(**7**) applies for the purposes of the referendum but with the following modifications.

(2) For those purposes the following paragraph is to be treated as substituted for paragraph (1)—

“(1) An application under regulation [73\(1\)](#) of the European Union Referendum (Conduct) Regulations 2016 shall set out why the applicant’s circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted to him under Part 2 of the European Union Referendum (Conduct) Regulations 2016.”

(3) Paragraphs (2)(d) and (3)(e) have effect for the purposes of the referendum as if the words from “in respect” to the end of the paragraph were omitted.

(4) Paragraphs (4), (6) and (8) have effect for the purposes of the referendum as if for “section 7(1) of the 1985 Act” there were substituted “regulation [73\(1\)](#) of the European Union Referendum (Conduct) Regulations 2016”.

(5) Paragraph (6)(a) has effect for the purposes of the referendum as if for “at the election in question” there were substituted “for the referendum”.

(6) For the purposes of the referendum the following paragraph is to be treated as substituted for paragraph (8)(b)—

“(b) in which the circumstances set out in accordance with paragraph (1) relate to the applicant’s employment either as a constable or by a counting officer on the date of the poll for the referendum for a purpose connected with the referendum;”.

**Commencement Information**

**I10** Sch. 3 para. 75 in force at 26.2.2016, see [reg. 1](#)

**Additional requirements for applications by proxies to vote by post at a particular election**

**76.** Regulation 60 of the 2008 Regulations (additional requirements for applications by proxies to vote by post at a particular election)(**8**) applies for the purposes of the referendum but as if for “section 9(7)(a) of the 1985 Act” there were substituted “regulation [77\(5\)](#) of the European Union Referendum (Conduct) Regulations 2016”.

**Commencement Information**

**I11** Sch. 3 para. 76 in force at 26.2.2016, see [reg. 1](#)

(7) Regulation 59 was amended by regulation 7 of [S.I. 2010/278](#).

(8) Regulation 60 was amended by regulation 20 of [S.I. 2014/1808](#).

### Closing date for applications

77.—(1) Regulation 61 of the 2008 Regulations (closing date for applications) has effect for the purposes of the referendum with the following modifications.

(2) For those purposes the following paragraphs are to be treated as substituted for paragraphs (1) to (3)—

“(1) An application under section 6(1) or (5), 8(6) or 9(4) of the 1985 Act shall be disregarded for the purposes of the referendum if it is received by the registration officer after 5 pm on the fourteenth day before the date of the poll for the referendum.

(2) Subject to paragraph (3), an application under regulation 73(1) or (5), 75(4) or 77(5) of the European Union Referendum (Conduct) Regulations 2016 shall be refused if it is received by the registration officer after 5 pm on the fourteenth day before the date of the poll for the referendum.

(3) Paragraph (2) shall not apply to an application which satisfies the requirements of either paragraphs (6) and (7) or paragraph (8) of regulation 59; and such an application shall be refused if it is received by the registration officer after 5 pm on the sixth day before the date of the poll for the referendum.”

(3) Paragraph (4) has effect for the purposes of the referendum as if—

(a) after “section 8(9) of that Act by an elector” there were inserted “, or a notice under regulation 75(6) of the European Union Referendum (Conduct) Regulations 2016 by a person,”,

(b) for “a particular election” there were substituted “the referendum”, and

(c) for “at that election” there were substituted “for the referendum”.

(4) For the purposes of the referendum the following paragraph is to be treated as substituted for paragraphs (5) and (6)—

“(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, and

(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.”

#### Commencement Information

**I12** Sch. 3 para. 77 in force at 26.2.2016, see [reg. 1](#)

### Grant or refusal of applications

78.—(1) Regulation 62 of the 2008 Regulations (grant or refusal of applications) has effect for the purposes of the referendum with the following modifications.

(2) Paragraph (1) has effect for those purposes as if after “section 6, 7, 8 or 9 of the 1985 Act” there were inserted “or Chapter 2 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”.

(3) For the purposes of the referendum, paragraph (3) is to be treated as omitted.

(4) For the purposes of the referendum paragraph (4) has effect as if after “the 1985 Act” there were inserted “or Chapter 2 of Part 3 of the European Union Referendum (Conduct) Regulations 2016”

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(5) Paragraph (5) has effect for the purposes of the referendum as if after “a particular election” there were inserted “or the referendum”.

#### Commencement Information

**I13** Sch. 3 para. 78 in force at 26.2.2016, see [reg. 1](#)

### Cancellation of proxy appointment

**79.** Regulation 64 of the 2008 Regulations (cancellation of proxy appointment) has effect for the purposes of the referendum as if—

- (a) after “the 1985 Act” there were inserted “or regulation [75\(6\)](#) of the European Union Referendum (Conduct) Regulations 2016,
- (b) for “that provision” there were substituted “either of those provisions”,
- (c) for “that Act” there were substituted “the 1985 Act”, and
- (d) before “remove his name” there were inserted “in the case where an application was made under section 8 of the 1985 Act,”.

#### Commencement Information

**I14** Sch. 3 para. 79 in force at 26.2.2016, see [reg. 1](#)

### Records and lists

**80.**—(1) Regulation 66 of the 2008 Regulations (records and lists)(**9**) applies for the purposes of the referendum but with the following modifications.

- (2) Paragraph (1) has effect for those purposes as if—
  - (a) for “sections 7(4) and 9(9) of the 1985 Act” there were substituted “regulations [74\(2\)](#) or [\(3\)](#) or [77\(8\)](#) of the European Union Referendum (Conduct) Regulations 2016”, and
  - (b) for “candidate at a parliamentary election or his election agent” there were substituted “referendum agent”.

(3) For the purposes of the referendum paragraphs (2) and (2A) are to be treated as omitted.

(4) Paragraph (3) has effect for the purposes of the referendum as if for “sections 7(4) and 9(9) of the 1985 Act” there were substituted “regulations [74\(2\)](#) or [\(3\)](#) or [77\(8\)](#) of the European Union Referendum (Conduct) Regulations 2016”.

#### Commencement Information

**I15** Sch. 3 para. 80 in force at 26.2.2016, see [reg. 1](#)

### Interpretation of Part 5

**81.**—(1) Regulation 70 of the 2008 Regulations (interpretation of Part 5)(**10**) has effect for the purposes of the referendum with the following modifications.

**(9)** Regulation 66 was amended by regulation 21 of [S.I. 2014/1808](#).

**(10)** Regulation 70 was amended by paragraph 76 of Schedule 1 to [S.I. 2011/2085](#).

(2) For those purposes the definition of “absent voters list” has effect as if for “section 7(4) of the 1985 Act” there were substituted “regulations 74(2) or (3) of the European Union Referendum (Conduct) Regulations 2016”.

(3) For the purposes of the referendum the definition of “agent” has effect as if the following were substituted for it—

““agent”, except in regulation 73, means a referendum agent or an agent appointed under regulation 73;”.

(4) For the purposes of the referendum the definition of “list of postal proxies” has effect as if for “section 9(9) of the 1985 Act” there were substituted “regulation 77(8) of the European Union Referendum (Conduct) Regulations 2016”.

#### Commencement Information

**I16** Sch. 3 para. 81 in force at 26.2.2016, see [reg. 1](#)

### Time when postal ballot papers are to be issued

**82.** For the purposes of the referendum, the following regulation is to be treated as inserted after regulation 70 of the 2008 Regulations—

#### “Time when postal ballot papers are to be issued

**70A.** Postal ballot papers (and declarations of identity) must not be issued by the counting officer so as to be received by persons entitled to vote in the referendum before the beginning of the relevant period within the meaning of section 125 of the Political Parties, Elections and Referendums Act 2000 (restriction on campaigning by certain persons and bodies).”

#### Commencement Information

**I17** Sch. 3 para. 82 in force at 26.2.2016, see [reg. 1](#)

### Persons entitled to be present at proceedings on issue and receipt of postal ballot papers

**83.**—(1) Regulation 72 of the 2008 Regulations (persons entitled to be present at proceedings on issue of postal ballot papers)(**11**) applies for the purposes of the referendum but with the following modifications.

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

(a) For “a parliamentary election” there were substituted “the referendum”, and

(b) for sub-paragraphs (a) to (c) there were substituted—

“(a) the counting officer and his clerks;

(b) a referendum agent;”.

(3) Paragraph (2) has effect for the purposes of the referendum as if—

(a) for “sub-paragraphs (b), (c) and (d)” there were substituted “sub-paragraphs (b) and (d)”, and

(11) Regulation 72 was amended by regulation 8 of [S.I. 2010/278](#) and regulation 22 of [S.I. 2014/1808](#).

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- (b) for “rule 40ZA of the elections rules” there were substituted “regulation 39 of the European Union Referendum (Conduct) Regulations 2016”.

**Commencement Information**

**I18** Sch. 3 para. 83 in force at 26.2.2016, see [reg. 1](#)

**Agents of candidate who may attend proceedings on issue or receipt of postal ballot papers**

**84.** Regulation 73 of the 2008 Regulations (agents of candidates who may attend proceedings on issue or receipt of postal ballot papers)(**12**) applies for the purposes of the referendum but as if—

- (a) for “candidate” (in each place) there were substituted “referendum agent”,
- (b) for “returning officer” (in each place) there were substituted “counting officer”,
- (c) paragraph (6) were treated as omitted, and
- (d) in paragraph (10), for “rule 40ZA of the elections rules” there were substituted “regulation 39 of the European Union Referendum (Conduct) Regulations 2016”.

**Commencement Information**

**I19** Sch. 3 para. 84 in force at 26.2.2016, see [reg. 1](#)

**Notification of requirement of secrecy**

**85.** Regulation 74 of the 2008 Regulations (notification of requirement of secrecy) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

**Commencement Information**

**I20** Sch. 3 para. 85 in force at 26.2.2016, see [reg. 1](#)

**Notice of issue of postal ballot papers**

**86.** Regulation 75 of the 2008 Regulations (notice of issue of postal ballot papers)(**13**) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in both places) there were substituted “counting officer”,
- (b) for “candidate” (in each place) there were substituted “referendum agent”, and
- (c) in paragraph (3), for “rule 40ZA of the elections rules” there were substituted “regulation 39 of the European Union Referendum (Conduct) Regulations 2016”.

**Commencement Information**

**I21** Sch. 3 para. 86 in force at 26.2.2016, see [reg. 1](#)

(12) Regulation 73 was amended by regulation 23 of [S.I. 2014/1808](#).

(13) Regulation 75 was amended by regulation 24 of [S.I. 2014/1808](#).

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### Procedure on issue of postal ballot paper

**87.**—(1) Regulation 76 of the 2008 Regulations (procedure on issue of postal ballot paper)(**14**) applies for the purposes of the referendum but with the following modifications.

(2) For those purposes paragraph (5) has effect as if—

(a) in sub-paragraph (a) for “section 7(4A) of the 1985 Act” there were substituted “regulation **74(4)** of the European Union Referendum (Conduct) Regulations 2016”, and

(b) in sub-paragraph (b)—

(i) for “section 9(9) of the 1985 Act” there were substituted “regulation **77(8)** of those Regulations”, and

(ii) for “section 9(9A) or (9B) of that Act” there were substituted “regulation **77(9)** of those Regulations”.

#### Commencement Information

**I22** Sch. 3 para. 87 in force at 26.2.2016, see [reg. 1](#)

### Refusal to issue ballot paper

**88.** Regulation 77 of the 2008 Regulations (refusal to issue ballot paper) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

#### Commencement Information

**I23** Sch. 3 para. 88 in force at 26.2.2016, see [reg. 1](#)

### Envelopes

**89.** Regulation 78 of the 2008 Regulations (envelopes)(**15**) applies for the purposes of the referendum but as if in paragraph (1) for “rule 24 of the elections rules” there were substituted “regulation **17** of the European Union Referendum (Conduct) Regulations 2016”.

#### Commencement Information

**I24** Sch. 3 para. 89 in force at 26.2.2016, see [reg. 1](#)

### Sealing up of completed corresponding number lists

**90.** Regulation 79 of the 2008 Regulations (sealing up of completed corresponding number lists) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

#### Commencement Information

**I25** Sch. 3 para. 90 in force at 26.2.2016, see [reg. 1](#)

(14) Regulation 76 was amended by regulation 25 of [S.I. 2014/1808](#).

(15) Regulation 78 was amended by regulation 9 of [S.I. 2010/278](#).

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### Delivery of postal ballot papers

**91.**—(1) Regulation 80 of the 2008 Regulations (delivery of postal ballot papers) applies for the purposes of the referendum but with the following modifications.

- (2) For those purposes paragraph (1) has effect as if—
- (a) for “returning officer” there were substituted “counting officer”, and
  - (b) in sub-paragraph (c), for “rule 26(1) of the elections rules” there were substituted “regulation 19 of the European Union Referendum (Conduct) Regulations 2016.”

(3) For the purposes of the referendum paragraph (2) has effect as if for “returning officer” there were substituted “counting officer”.

#### Commencement Information

**I26** Sch. 3 para. 91 in force at 26.2.2016, see [reg. 1](#)

### Spoilt postal ballot papers

**92.** Regulation 81 of the 2008 Regulations (spoilt postal ballot papers)(**16**) applies for the purposes of the referendum but as if for “returning officer” (in each place) there were substituted “counting officer”.

#### Commencement Information

**I27** Sch. 3 para. 92 in force at 26.2.2016, see [reg. 1](#)

### Tendered postal ballot papers

**93.**—(1) Regulation 81A of the 2008 Regulations (tendered postal ballot papers)(**17**) applies for the purposes of the referendum but with the following modifications.

(2) Paragraph (1) has effect for those purposes as if for “rule 40ZA of the elections rules” there were substituted “regulation 39 of the European Union Referendum (Conduct) Regulations 2016”.

- (3) Paragraph (2) has effect for the purposes of the referendum as if—
- (a) for “a parliamentary election” there were substituted “the referendum”, and
  - (b) for “section 15 of the 1985 Act” there were substituted “regulations under section 4(2) of the European Union Referendum Act 2015”.

- (4) Paragraph (4) has effect for the purposes of the referendum as if—
- (a) in sub-paragraph (a), for “section 7(4A) of the 1985 Act” there were substituted “regulation 74(4) of the European Union Referendum (Conduct) Regulations 2016”, and
  - (b) in sub-paragraph (b), for the words from “section 9(9)” to the end there were substituted “regulation 77(8) of the European Union Referendum (Conduct) Regulations 2016 but for regulations 74(4) or 77(9) of those Regulations.”

(5) Paragraphs (5) to (11) have effect for the purposes of the referendum as if for “Chief Electoral Officer” (in each place) there were substituted “counting officer”.

- (6) Paragraph (9) has effect for the purposes of the referendum as if—

(16) Regulation 81 was amended by regulation 26 of [S.I. 2014/1808](#).

(17) Regulation 81A was inserted by regulation 27 of [S.I. 2014/1808](#).

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- (a) for “rule 40ZA(9) of the elections rules” there were substituted “regulation 39(9) of the European Union Referendum (Conduct) Regulations 2016”, and
- (b) for “rule 40ZA(7) of the elections rules” there were substituted “regulation 39(7) of the European Union Referendum (Conduct) Regulations 2016”.

**Commencement Information**

**I28** Sch. 3 para. 93 in force at 26.2.2016, see [reg. 1](#)

**Notice of opening of postal ballot paper envelopes**

**94.**—(1) Regulation 82 of the 2008 Regulations (notice of opening of postal ballot paper envelopes) applies for the purposes of the referendum but with the following modifications.

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

- (a) for “returning officer” there were substituted “counting officer”, and
- (b) for “candidate” there were substituted “referendum agent”.

(3) Paragraph (2) has effect for the purposes of the referendum as if for “candidate” there were substituted “referendum agent”.

**Commencement Information**

**I29** Sch. 3 para. 94 in force at 26.2.2016, see [reg. 1](#)

**Postal ballot boxes and receptacles**

**95.** Regulation 83 of the 2008 Regulations (postal ballot boxes and receptacles) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”,
- (b) in paragraph (2), for the words from “constituency” to the end there were substituted “voting area”, and
- (c) in paragraph (4), after “box” there were inserted “(if it has a lock)”.

**Commencement Information**

**I30** Sch. 3 para. 95 in force at 26.2.2016, see [reg. 1](#)

**Receipt of covering envelope**

**96.** Regulation 84 of the 2008 Regulations (receipt of covering envelope)<sup>(18)</sup> applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

**Commencement Information**

**I31** Sch. 3 para. 96 in force at 26.2.2016, see [reg. 1](#)

(18) Regulation 84 was amended by regulation 28 of [S.I. 2014/1808](#).

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### Opening of postal voters' ballot box

97. Regulation 85 of the 2008 Regulations (opening of postal voters' ballot box) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in both places) there were substituted “counting officer”, and
- (b) in paragraph (3), for “rule 45 of the elections rules” there were substituted “regulation 46 of the European Union Referendum (Conduct) Regulations 2016”.

#### Commencement Information

I32 Sch. 3 para. 97 in force at 26.2.2016, see [reg. 1](#)

### Opening of covering envelopes

98. Regulation 86 of the 2008 Regulations (opening of covering envelopes) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”, and
- (b) after paragraph (4) there were inserted—

“(5) Where an envelope opened in accordance with paragraph (1) contains a declaration of identity (whether separate or not), the counting officer must place a mark in the marked copy of the postal voters list or the proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(6) A mark made under paragraph (5) must be distinguishable from and must not obscure the mark made under regulation 76.

(7) As soon as practicable after the last covering envelope has been opened, the counting officer must make up into a packet the copy of the postal voters list and the proxy postal voters list that has been marked in accordance with paragraph (5) and must seal the packet.”

#### Commencement Information

I33 Sch. 3 para. 98 in force at 26.2.2016, see [reg. 1](#)

### Procedure in relation to declarations of identity

99. Regulation 87 of the 2008 Regulations (procedure in relation to declarations of identity)(19) applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”, and
- (b) in paragraph (1)(b) for “rule 45(2)(b) and (2A) of the elections rules” there were substituted “regulation 46(5)(b) and (6) of the European Union Referendum (Conduct) Regulations 2016”.

#### Commencement Information

I34 Sch. 3 para. 99 in force at 26.2.2016, see [reg. 1](#)

(19) Regulation 87 was amended by regulation 9(2) of [S.I. 2010/278](#).

## Opening of ballot paper envelopes

**100.** Regulation 88 of the 2008 Regulations (opening of ballot paper envelopes) applies for the purposes of the referendum but as if, in paragraph (1), for “returning officer” there were substituted “counting officer”.

### Commencement Information

**I35** Sch. 3 para. 100 in force at 26.2.2016, see [reg. 1](#)

## Sealing of receptacles

**101.** Regulation 89 of the 2008 Regulations (sealing of receptacles) applies for the purposes of the referendum but as if for “returning officer” there were substituted “counting officer”.

### Commencement Information

**I36** Sch. 3 para. 101 in force at 26.2.2016, see [reg. 1](#)

## Forwarding of documents

**102.** Regulation 91 of the 2008 Regulations (forwarding of documents)<sup>(20)</sup> applies for the purposes of the referendum but as if—

- (a) for “returning officer” (in each place) there were substituted “counting officer”,
- (b) the following were treated as substituted for paragraph (1)—
  - “(1) The Chief Electoral Officer for Northern Ireland shall retain together with the documents mentioned in regulation 56 of the European Union Referendum (Conduct) Regulations 2016—
    - (a) any packets referred to in regulation 79, 81(5), 81A(11) and 89, endorsing on each packet a description of its contents, the date of the referendum and the name of the voting area,
    - (b) the list of spoilt ballot papers and the list of tendered ballot papers, and
    - (c) a completed statement in Form N.”,
  - (c) in paragraph (2), for the words from “and endorse” to the end there were substituted “, endorse the packet as mentioned in paragraph (1)(a) and retain the packet”,
- (d) the following were treated as substituted for paragraph (3)—
  - “(3) Regulations 57 and 58 of the European Union Referendum (Conduct) Regulations 2016 shall apply to any packet or document retained under this regulation.”, and
- (e) in paragraph (4) for “(1)(b)” there were substituted “(1)(c)”.

### Commencement Information

**I37** Sch. 3 para. 102 in force at 26.2.2016, see [reg. 1](#)

<sup>(20)</sup> Regulation 91 was amended by regulation 29 of [S.I. 2014/1808](#).

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### Restriction on supply etc of full register

**103.** Regulation 94(1) of the 2008 Regulations (restrictions on supply etc of full register) has effect for the purposes of the referendum as if—

- (a) after sub-paragraph (b) there were inserted—
  - “(ba) the Chief Counting Officer;
  - (bb) any deputy of the Chief Counting Officer;”, and
- (b) the references in sub-paragraph (c) to “any such officer” were treated as references to “a person mentioned in sub-paragraph (a), (b), (ba) or (bb)”.

#### Commencement Information

**I38** Sch. 3 para. 103 in force at 26.2.2016, see [reg. 1](#)

### Interpretation of Part 7

**104.** Regulation 115 of the 2008 Regulations (interpretation of Part 7) has effect for the purposes of the referendum as if, in paragraph (1), for “rule 57(1A) of the elections rules” there were substituted “regulation [56\(1\)\(b\)](#) of the European Union Referendum (Conduct) Regulations 2016”.

#### Commencement Information

**I39** Sch. 3 para. 104 in force at 26.2.2016, see [reg. 1](#)

### Supply of marked registers and lists after an election

**105.**—(1) Regulation 116 of the 2008 Regulations (supply of marked registers and lists) 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 “regulation 99” to “local government election” there were substituted “regulations 99, 105, 107 or 111, with copies of the full register”, and
  - (b) at the end there were treated as inserted—
    - “The reference to a person entitled to be supplied in accordance with regulation 105 with copies of the full register does not include a person mentioned in regulation 105(1)(b).”
- (3) Paragraph (2) has effect for the purposes of the referendum as if—
  - (a) for the words from “regulation 102” to “particular election” there were substituted “regulation 105(1)(a) or (c) applies before the referendum”, and
  - (b) for “that election” there were substituted “the referendum”.

(4) Paragraph (6)(b) has effect for the purposes of the referendum as if for “regulations 99, 102, 104, 105, 106, 107 or 111” there were substituted “regulations 99, 105, 107 or 111”.

#### Commencement Information

**I40** Sch. 3 para. 105 in force at 26.2.2016, see [reg. 1](#)

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### Inspection of documents open to public inspection

**106.** Regulation 117 of the 2008 Regulations (inspection of documents) applies for the purposes of the referendum but as if in paragraph (1)(b) for “an election” there were substituted “the referendum”.

#### Commencement Information

**I41** Sch. 3 para. 106 in force at 26.2.2016, see [reg. 1](#)

### Conditions on use, supply and disclosure of documents open to public inspection

**107.** Regulation 118 of the 2008 Regulations (conditions on the use, supply and disclosure of documents) applies for the purposes of the referendum but as if, in paragraph (2)—

- (a) the word “either” were omitted, and
- (b) at the end, there was inserted “or any purpose in connection with the referendum”.

#### Commencement Information

**I42** Sch. 3 para. 107 in force at 26.2.2016, see [reg. 1](#)

### Form N: statement as to postal ballot papers

**108.** Form N in Schedule 3 of the 2008 Regulations (statement as to postal ballot papers)(**21**) applies for the purposes of the referendum but as if—

- (a) for the heading “REPRESENTATION OF THE PEOPLE ACTS PARLIAMENTARY ELECTION” there were substituted “REFERENDUM ON THE UNITED KINGDOM’S MEMBERSHIP OF THE EUROPEAN UNION”,
- (b) for “constituency” there were substituted “voting area”, and
- (c) for “Returning Officer” (in each place) there were substituted “Counting Officer”.

#### Commencement Information

**I43** Sch. 3 para. 108 in force at 26.2.2016, see [reg. 1](#)

(21) Form N was amended by regulation 32(1) and (8) of [S.I. 2014/1808](#).

**Changes to legislation:**

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