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STATUTORY INSTRUMENTS

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**2010 No. 2837**

**CONSTITUTIONAL LAW  
DEVOLUTION, WALES  
REFERENDUMS  
REPRESENTATION OF THE PEOPLE**

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

Made - - - - - 15th December 2010

Coming into force in accordance with article 1(2)

At the Court at Buckingham Palace, the 15th day of December 2010  
Present,  
The Queen's Most Excellent Majesty in Council

A draft of this Order has been laid before and approved by a resolution of each House of Parliament and the National Assembly for Wales in accordance with section 103(4) and (5) of the Government of Wales Act 2006(1).

Before a draft of this Order was laid before each House of Parliament or the National Assembly for Wales, the Secretary of State—

- (a) undertook such consultation as the Secretary of State considered appropriate in accordance with section 103(6) of that Act, and
- (b) consulted the Electoral Commission on the wording of the referendum question and the preceding statement in accordance with section 104(4)(a) of the Political Parties, Elections and Referendums Act 2000(2).

Accordingly, Her Majesty, in pursuance of section 103(1) of, and Schedule 6 to, the Government of Wales Act 2006, is pleased, by and with the advice of Her Privy Council, to order as follows:-

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(1) 2006 c.32.

(2) 2000 c.41.

## Citation, commencement and extent

- 1.—(1) This Order may be cited as the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010.
- (2) This Order comes into force on the day after the day on which it is made.
- (3) The modifications(3) made by this Order have the same extent as the enactments(4) modified.

## Interpretation etc.

- 2.—(1) In this Order, except where the context requires otherwise—
  - “the 1983 Act” means the Representation of the People Act 1983(5);
  - “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(6);
  - “the 2007 Order” means the National Assembly for Wales (Representation of the People) Order 2007(7);
  - “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(8) 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(9);
  - “available for inspection” means available for inspection during ordinary office hours;
  - “Chief Counting Officer” means the Chief Counting Officer for the referendum(10);
  - “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(11);

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(3) For the meaning of “modifications”, see section 158(1) of the Government of Wales Act 2006.

(4) For the meaning of “enactments”, see the said section 158(1).

(5) 1983 c.2.

(6) S.I.2001/341, as amended by S.I.s 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.

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

(8) 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.

(9) 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.

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

(11) 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(12); “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(13) 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;

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(12) 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.

(13) 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(14) 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(15);

“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.

### Referendum and date of poll

3.—(1) A referendum is to be held throughout Wales about whether the Assembly Act provisions should come into force(16).

(2) The poll at the referendum must be held on 3rd March 2011.

### Referendum question and statement

4.—(1) The question, in English and Welsh, that is to appear on the ballot papers in the referendum is—

“Do you want the Assembly now to be able to make laws on **all** matters in the 20 subject areas it has powers for?”

“A ydych yn dymuno i’r Cynulliad allu llunio deddfau ar **bob** mater yn yr 20 maes pwnc y mae ganddo bwerau ynddynt?”

(2) The statement, in English and Welsh, that is to precede the question on the ballot papers is—

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(14) 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).

(15) [2000 c. 26](#). See section 4(3) and (4) of that Act.

(16) For the meaning of “the Assembly Act provisions”, see section 103(8) of the Government of Wales Act 2006.

## The National Assembly for Wales: what happens at the moment

The Assembly has powers to make laws on 20 subject areas, such as:

agriculture	health
education	housing
the environment	local Government

In each subject area, the Assembly can make laws on **some** matters, but not others. To make laws on any of these other matters, the Assembly must ask the UK Parliament for its agreement. The UK Parliament then decides each time whether or not the Assembly can make these laws.

The Assembly cannot make laws on subject areas such as defence, tax or welfare benefits, whatever the result of this vote.

If most voters vote “yes”, the Assembly will be able to make laws on all matters in the 20 subject areas it has powers for, without needing the UK Parliament’s agreement.  
If most voters vote “no”, what happens at the moment will continue.

### Cynulliad Cenedlaethol Cymru: yr hyn sy’n digwydd ar hyn o bryd

Mae gan y Cynulliad bwerau i lunio deddfau mewn 20 maes pwnc, megis:

amaethyddiaeth	iechyd
addysg	tai
yr amgylchedd	llywodraeth leol

Mae'r Cynulliad yn gallu llunio deddfau ar **rai** materion ym mhob maes pwnc ond nid ar faterion eraill. Er mwyn llunio deddfau ar unrhyw un o'r materion eraill hyn, mae'n rhaid i'r Cynulliad ofyn am gytundeb Senedd y DU. Yna, mae Senedd y DU yn penderfynu bob tro a gaiff y Cynulliad lunio'r deddfau hyn neu beidio.

Ni all y Cynulliad lunio deddfau mewn meysydd pwnc fel amddiffyn, trethi neu fudd-daliadau lles, beth bynnag fo canlyniad y bleidlais hon.

**Os bydd y rhan fwyaf o bleidleiswyr yn pleidleisio “ydw”**, bydd y Cynulliad yn gallu llunio deddfau ar **bob** mater yn yr 20 maes pwnc y mae ganddo bwerau ynddynt, heb orfod cael cytundeb Senedd y DU.

Os bydd y rhan fwyaf o bleidleiswyr yn pleidleisio “nac ydw”, bydd yr hyn sy’n digwydd ar hyn o bryd yn parhau.

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## Referendum period

5. For the purposes of Part 7 of the 2000 Act, the referendum period for the referendum begins with the date on which this Order comes into force and ends with the date of the poll at the referendum.

## Polling districts and polling places

6.—(1) Every voting area must be divided into the same polling districts, each with the same polling place, as would have effect for the purposes of local government elections<sup>(17)</sup> if held for that area on the day of the poll at the referendum.

(17) For the meaning of “local government election” in relation to Wales see section 203(1) of the Representation of the People Act 1983 to which there are amendments not relevant to this Order. See section 31(1A) and (3) of that Act as to polling

(2) Paragraph (1) has effect subject to any direction of a counting officer changing polling districts or polling places where the counting officer considers it necessary to do so by reason of special circumstances.

- (3) The referendum is not to be questioned by reason of—
  - (a) any non-compliance with the provisions of this article, or
  - (b) any irregularity relating to polling districts or polling places.

### **Other voting provisions**

- 7.—(1) Schedule 1 makes further provision about voting in the referendum, including—
  - (a) provision about the manner of voting (including provision for absent voting); and
  - (b) provision about the register.
- (2) Schedule 2 makes provision about the issue and receipt of postal ballot papers.
- (3) A person is not subject to any incapacity to vote in the referendum by reason of being the Chief Counting Officer, a Deputy Chief Counting Officer or a counting officer.

### **Rules for the conduct of the referendum**

- 8. Schedule 3 makes provision about the rules for the conduct of proceedings in the referendum.

### **The Chief Counting Officer and Deputy Chief Counting Officers**

- 9.—(1) The Chief Counting Officer<sup>(18)</sup> must do all such acts and things as may be necessary for effectually conducting the referendum in the manner provided by this Order.
- (2) The Chief Counting Officer may appoint one or more Deputy Chief Counting Officers.
- (3) The appointment of a person to be a Deputy Chief Counting Officer—
  - (a) must be made in writing, and
  - (b) may be made on such terms as the person making the appointment thinks fit.
- (4) The Chief Counting Officer may authorise a Deputy Chief Counting Officer to exercise any function of the Chief Counting Officer.
- (5) When authorised to exercise functions of the Chief Counting Officer, the Deputy Chief Counting Officer must exercise those functions with a view to ensuring the referendum is conducted effectually in the manner provided by this Order.

### **Counting officers**

- 10.—(1) If a counting officer for a voting area dies, resigns or is removed from office, the Chief Counting Officer must appoint another person to be the counting officer for that area.
- (2) The counting officer for each voting area must, as regards that area, do all such acts and things as may be necessary for effectually conducting the referendum in the manner provided by this Order.
- (3) A counting officer for each voting area is responsible, as regards that area, for—
  - (a) the conduct of the poll;
  - (b) the issue and receipt of postal ballot papers for absent voters in the referendum;

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districts and polling places for such elections; sub-section (1A) was inserted by the Local Government (Wales) Act 1994 ([c.19](#)) Schedule 16 paragraph 68(6).

(18) Section 128(2) of the Political Parties, Elections and Referendums Act 2000 makes provision in connection with the appointment of the Chief Counting Officer.

- (c) the verification of the ballot paper accounts at the poll; and
  - (d) the counting of the votes cast in the poll.
- (4) A counting officer may, in writing, authorise any person appointed by the counting officer to exercise any of the counting officer's functions.

### **Supplementary**

**11.**—(1) The Chief Counting Officer may give general or specific directions to relevant counting officers —

- (a) relating to the discharge of their functions in the referendum;
- (b) requiring them to take specified steps in preparation for the referendum; or
- (c) requiring them to provide to the Chief Counting Officer any information which the relevant counting officer has or is entitled to have.

(2) It is the duty of a relevant counting officer to whom directions are given under paragraph (1) to discharge the officer's functions in the referendum in accordance with the directions.

(3) The referendum is not liable to be questioned by reason of a defect in the appointment of the Chief Counting Officer, or a relevant counting officer, if that person was then in actual possession of, or acting in, that office.

(4) Articles 9(4) and 10(4) do not allow the Chief Counting Officer or a counting officer to transfer to another person the duty imposed on each of the under respectively sections 128(5) or (6) of the 2000 Act (Chief Counting Officer and counting officer for referendums).

(5) In this article "relevant counting officer" means—

- (a) a Deputy Chief Counting Officer; and
- (b) a counting officer.

(6) In paragraph (1)(a) "functions" does not include the counting officer's function under sections 128(5) of the 2000 Act.

### **Correction of procedural errors**

**12.**—(1) A counting officer may take such steps as the officer thinks appropriate to remedy any act or omission on the officer's part, or on the part of a relevant person, which —

- (a) arises in connection with any function the counting officer or relevant person has in relation to the referendum, and
- (b) is not in accordance with the Referendum Rules or any other requirements applicable to the referendum.

(2) A counting officer may not under paragraph (1) re-count the votes given in the referendum once a direction has been given by the Chief Counting Officer under rule 39 of the Referendum Rules.

(3) For the purposes of paragraph (1), each of the following is a relevant person —

- (a) a registration officer;
- (b) a presiding officer;
- (c) a person providing goods or services to the counting officer;
- (d) a deputy of any person mentioned in sub-paragraphs (a) to (c); and
- (e) a person ("A") appointed to assist or, in the course of A's employment, assisting any person ("P") mentioned in sub-paragraphs (a) to (c) in connection with any function that P has in relation to the referendum.

(4) In this article, references to a counting officer include the Chief Counting Officer and a Deputy Chief Counting Officer.

### **Payments to counting officers**

13.—(1) A counting officer is entitled to recover that counting officer’s charges in respect of services rendered, or expenses incurred, for, or in connection with, the referendum if—

- (a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the referendum, and
- (b) the total of the charges does not (subject to paragraph (3)) exceed the amount (referred to in this article as the “overall maximum recoverable amount”) specified in, or determined in accordance with, an Order made by the Welsh Ministers.

(2) An Order under paragraph (1) may specify, or make provision for determining in accordance with the order, a maximum recoverable amount for services or expenses of any specified description and, subject to paragraph (3), the counting officer may not recover more than that amount in respect of any such services or expenses.

(3) The Welsh Ministers may, in a particular case, authorise the payment of—

- (a) more than the overall maximum recoverable amount, or
- (b) more than the specified maximum recoverable amount for any specified services or expenses,

if the Welsh Ministers are satisfied that the conditions in paragraph (4) are met.

(4) The conditions referred to in paragraph (3) are—

- (a) that it was reasonable for the counting officer concerned to render the services or incur the expenses; and
- (b) that the charges in question are reasonable.

(5) The power to make orders under paragraph (1) is exercisable by statutory instrument and for the purpose of section 1 of the Statutory Instruments Act 1946(19) this provision is to have effect as if contained in an Act of Parliament.

(6) Any Order under paragraph (1) may make different provision for different purposes and may contain such incidental, supplemental, saving or transitional provision as the Welsh Ministers think fit.

(7) The Welsh Ministers must pay the amount of any charges recoverable in accordance with this article on an account being submitted to them but the Welsh Ministers may, if they think fit, before payment, apply for the account to be taxed under the provisions of article 14.

(8) Where the superannuation contributions required to be paid by a local authority within the meaning of the Local Government Act 1972(20) in respect of any person are increased by any fee paid in accordance with this article as part of a counting officer’s charges in the referendum then on an account being submitted to the Welsh Ministers, a sum equal to the increase must be paid by the Welsh Ministers to the authority.

(9) On a counting officer’s request for an advance on account of that counting officer’s charges, the Welsh Ministers may, on such terms as they think fit, make such an advance.

(10) The Welsh Ministers may by regulations make provision as to the time when and the manner and form in which accounts are to be rendered to them for the purpose of the payment of a counting officer’s charges and such regulations may make different provision for different purposes.

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(19) 1946 c.36.

(20) 1972 c.70, see section 270(1). The definition of “local authority” was amended by the Local Government Act 1985 (c.51), Schedule 17 and by the Local Government (Wales) Act 1994 section 1(5).

(11) Any sums payable by the Welsh Ministers in accordance with this article are to be charged on the Welsh Consolidated Fund.

### **Taxation of counting officers' accounts**

**14.**—(1) An application for a counting officer's account to be taxed is to be made to the county court and in paragraphs (2) to (5) “the court” means the county court.

(2) On any such application the court has jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amounts payable to the counting officer.

(3) On any such application the counting officer may apply to the court to examine any claim made by any person (“the claimant”) against the counting officer in respect of matters charged in the account.

(4) In a case to which paragraph (3) applies, after notice given to the claimant and after giving the claimant an opportunity to be heard and to tender any evidence, the court may allow or disallow or reduce the claim objected to with or without costs.

(5) The determination of the court in accordance with this article is final for all purposes and against all persons.

### **Accounts of the Welsh Ministers**

**15.**—(1) If directed to do so by the Treasury, the Welsh Ministers must prepare accounts in respect of their expenditure in relation to the referendum.

(2) Accounts under this article must be prepared in accordance with directions given to the Welsh Ministers by the Treasury.

(3) Directions under paragraph (2) may include, in particular, directions as to—

- (a) the information to be included in the accounts and the manner in which it is to be presented;
- (b) the methods and principles in accordance with which the accounts are to be prepared; and
- (c) the additional information (if any) that is to accompany the accounts.

(4) The Welsh Ministers must send the accounts under this paragraph to the Auditor General for Wales as soon as may be practicable after the giving of the direction under paragraph (1).

(5) The Auditor General for Wales must—

- (a) examine, certify and report on accounts sent under paragraph (4), and
- (b) lay a copy of the accounts together with the Auditor General's report on them before the National Assembly for Wales.

### **Explanatory material**

**16.** The Commission must take such steps, as they think appropriate, to promote public awareness in Wales about the referendum, the subject matter of the referendum and how to vote in the referendum.

### **Supply of full register to the Commission**

**17.** Regulation 100 (supply of free copy of full register etc. to Commission and restrictions on use) of the 2001 Regulations applies in relation to the referendum as if—

- (a) in paragraph (3)(c), at the end, there were inserted “or Schedule 6 to the Government of Wales Act 2006”, and

- (b) references to the 2000 Act were references to that Act as modified by this Order.

### **Referendum agents**

**18.—(1)** A permitted participant may, for any voting area, appoint an individual (who may be the responsible person) to act as the permitted participant's agent ("referendum agent").

(2) If a permitted participant appoints a referendum agent for a voting area, the responsible person must give the counting officer for the area notification of the name and home or business address of—

- (a) the permitted participant; and
- (b) the referendum agent.

(3) The notification must be given before noon on the 16th day before the date of the poll, and rule 2 of the Referendum Rules applies for the purposes of calculating that period of time.

(4) The notification must be in writing and signed by the responsible person.

(5) The duties imposed on a responsible person by this paragraph may be discharged by any person authorised in writing by the responsible person.

(6) If a counting officer is notified under paragraph (2) that a permitted participant has appointed a referendum agent, the counting officer must as soon as practicable give public notice of—

- (a) the name and address of the referendum agent; and
- (b) the name of the permitted participant.

(7) If—

- (a) a permitted participant revokes the appointment of a referendum agent or a referendum agent dies; and
- (b) the referendum agent has notified the counting officer of the appointment of a polling or counting agent under rule 17 of the Referendum Rules,

the permitted participant must as soon as possible appoint another referendum agent under this article.

(8) That notification must be made as soon as possible after the appointment of the new referendum agent (rather than in accordance with paragraph (3)).

### **Translations etc. of certain documents**

**19.—(1)** Paragraphs (2) and (3) apply to any document which under or by virtue of this Order is required or authorised to be given to voters or displayed in any place for the purposes of the referendum.

(2) The person who is required or authorised to give or display the document must give or display or otherwise make available in such form as that person thinks appropriate—

- (a) the document in Braille;
- (b) the document in languages other than English and Welsh;
- (c) graphical representations of the information contained in the document; and
- (d) other means of making the information accessible to persons who might not otherwise have reasonable access to the information.

(3) The person required or authorised to give or display the document must also make available the information contained in the document in such audible form as that person thinks appropriate.

(4) Paragraphs (2) and (3) do not apply to the ballot paper.

## Public notices and declarations

**20.**—(1) A public notice required by or under this Order to be given by a counting officer must be given by posting the notice in some conspicuous place or places in the counting officer's area.

(2) The notice may also be given in such other manner as the counting officer thinks desirable for publicising it.

(3) Any person before whom a declaration is authorised to be made under this Order may take the declaration.

## Sending of applications and notices: electronic signatures and related certificates

**21.**—(1) The requirement in this Order that any application or notice should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

- (a) is transmitted by electronic means;
- (b) is received in legible form; and
- (c) is capable of being used for future reference.

(2) The requirement in this Order for an application or notice to be signed is satisfied (as an alternative to a signature given by hand) where there is—

- (a) an electronic signature incorporated into or logically associated with a particular electronic communication, and
- (b) the certification by any person of such a signature.

(3) For the purposes of this Order an electronic signature is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or both; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.

(4) For the purposes of this Order an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

- (a) the signature,
- (b) a means of producing, communicating or verifying the signature, or
- (c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

## Publication and copies of documents

**22.**—(1) Any failure to publish a document in accordance with this Order does not invalidate the document, but this provision does not relieve any person from any penalty for such a failure.

(2) Where a document is made available for inspection, any person may make a copy (whether in handwriting or by other means) of the whole or any part of such a document.

(3) Paragraph (2) does not apply to copies of information covered by paragraph 21(1) of Schedule 1 nor to any of the documents open to public inspection by virtue of rule 44 of the Referendum Rules.

## Advertisements

**23.** The Town and Country Planning (Control of Advertisements) Regulations 1992(21) apply in relation to the display on any site in Wales of an advertisement relating specifically to the referendum as they apply in relation to the display of an advertisement relating specifically to a pending election to which those Regulations apply.

## Non-domestic rating: premises used for referendum purposes

**24.** Section 65(6) of the Local Government Finance Act 1988(22) (occupation for election meetings and polls) has effect as if —

- (a) the reference to public meetings in furtherance of a person's candidature at an election included a reference to public meetings to promote or procure a particular answer in relation to the question asked in the referendum, and
- (b) the reference to use by a returning officer for the purpose of taking the poll in an election included a reference to use by a counting officer for the purpose of taking the poll at the referendum.

## Loan of equipment for referendum

**25.—(1)** Any ballot boxes, fittings and compartments provided for parliamentary elections out of money provided by Parliament may, on request, be lent to a counting officer for the referendum on such terms and conditions as the Secretary of State may determine.

(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority within the meaning of the Local Government Act 1972 must, on request (if not required for immediate use by that authority), be lent to a counting officer for the referendum on such terms and conditions as may be agreed.

## Offences

**26.** Schedule 4 makes provision about offences.

## Modifications of enactments

**27.** Schedule 5 makes provision about the application to the referendum, with modifications, of Acts and statutory instruments.

## Forms: general

**28.—(1)** Subject to paragraph (2), the forms set out in Schedule 6 may be used with such variations as the circumstances may require, including adapting the forms in order to use any electronic template provided by the Commission to counting officers and registration officers to assist them in providing such forms.

(2) Paragraph (1) does not apply to the form of the ballot paper.

(3) Without prejudice to the power conferred by paragraph (1), where any form to which that paragraph applies is set out in English and in Welsh in this Order so that it is set out in English first and then in Welsh, that form may be varied so that —

- (a) the English and Welsh parts are combined, or
- (b) it is set out in Welsh first and then in English.

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(21) [S.I. 1992/666](#). See regulation 3(2) of and Class F of Schedule 2 to which there was a relevant amendment by [S.I.1994/2351](#).

(22) [1988 c.41](#).

(4) Where any form is required to be completed by any person, and it is a form set out in this Order referred to in paragraph (3), such form may be validly completed by completion of either the English or the Welsh part.

*Judith Simpson*  
Clerk to the Privy Council

## SCHEDULE 1

Article 7(1)

### VOTING IN THE REFERENDUM

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## PART 1

### Manner of voting

#### Persons entitled to vote

1.—(1) This paragraph applies to determine the manner of voting of a person entitled to vote as an elector in the referendum (23).

(2) The person may vote in person at the polling station allotted to that person under rule 13 of the Referendum Rules, unless that person is entitled to vote by post or by proxy in the referendum.

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

(4) If the person (“P”) is entitled to vote by proxy in the referendum, P may so vote unless, before a ballot paper has been issued for P to vote by proxy, P applies at the polling station allotted to P under rule 13 of the Referendum Rules for a ballot paper for the purpose of voting in person, in which case P may vote in person there.

(5) If a person —

- (a) is not entitled to vote by post or by proxy in the referendum, but
- (b) cannot reasonably be expected to go in person to the polling station allotted to that person under rule 13 of the Referendum Rules because of the particular circumstances of the person’s employment, either as a constable or by the counting officer, on the day of the poll for a purpose connected with the referendum,

that person may vote in person at any polling station in the voting area in which the polling station allotted to the person is situated.

(6) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7 of the 1983 Act(24) (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 that person is registered by virtue of that provision or not, and such a person may vote—

- (a) in person at the polling station allotted to the person under rule 13 of the Referendum Rules (where granted permission to be absent from the hospital and voting in person does not breach any condition attached to the permission), or
- (b) by post or by proxy (where entitled so to vote at the referendum).

(7) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7A of the 1983 Act(25) (person remanded in custody) applies, whether that person is registered by virtue of that provision or not, and such a person may only vote by post or by proxy (where entitled so to vote in the referendum).

(8) A person entitled to vote in the referendum is entitled to vote —

- (a) by post in the referendum if that person is shown in the postal voters list as so entitled for the referendum, or
- (b) by proxy in the referendum if that person is shown in the list of proxies as so entitled for the referendum.

(9) Sub-paragraph (2) does not prevent a person, at the polling station allotted to that person, marking a tendered ballot paper in pursuance of rule 28(6) of the Referendum Rules.

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(23) See paragraph 1 of Schedule 6 to the Government of Wales Act 2006 ([c.32](#)) as read with section 12 of that Act.

(24) Section 7 of the Representation of the People Act 1983 ([c.2](#)) was substituted by section 4 of the Representation of the People Act 2000 ([c.2](#)) and to which there are relevant amendments by section 12(1) of the Electoral Administration Act 2006 ([c.22](#)) and by [S.I. 2005/2078](#), Schedule 1 paragraph 1(3).

(25) Section 7A was inserted by section 5 of the Representation of the People Act 2000 and to which there are relevant amendments by section 12(2) of the Electoral Administration Act 2006 and by [S.I.2005/2078](#) Schedule 1 paragraph 1(4).

## Existing postal and proxy voters

2.—(1) An elector is taken to have been granted a vote by post in the referendum if, at the relevant time, the elector is shown in the record kept under article 8(3) of the 2007 Order (*absent vote at Assembly elections for a particular or an indefinite period*) as voting by post at elections for the Assembly<sup>(26)</sup> (in this Schedule referred to as “Assembly elections”) for an indefinite period or for a period which extends beyond the date of the poll at the referendum.

(2) Such a person is referred to in this Order as an “existing postal voter”.

(3) An elector is taken to have been granted a vote by proxy in the referendum if, at the relevant time, the person is shown in the record kept under article 8(3) of the 2007 Order as voting by proxy at Assembly elections for an indefinite period or for a period which extends beyond the date of the poll at the referendum.

(4) Such a person is referred to in this Order as an “existing proxy voter”.

(5) Sub-paragraph (1) does not apply to a person if the person is granted a vote by proxy by virtue of an application under paragraph 3.

## Applications by electors for absent vote

3.—(1) Where a person applies to the registration officer to vote by post in the referendum, the registration officer must grant the application if—

- (a) the registration officer is satisfied that the applicant is, or on the date of the poll will be, registered in the register maintained by the officer; and
- (b) the application meets the requirements set out in paragraph 9.

(2) Where an elector applies to the registration officer to vote by proxy in the referendum, the registration officer must grant the application if—

- (a) the registration officer is satisfied that the applicant’s circumstances on the day of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted, or likely to be allotted, to the applicant under rule 13 (*provision of polling stations*) of the Referendum Rules;
- (b) the registration officer is satisfied that the applicant is, or on the date of the poll will be, registered in the register maintained by the officer; and
- (c) the application meets the requirements set out in paragraphs 9 and 10.

(3) Where an elector who has an anonymous entry in the register maintained by a registration officer applies to the registration officer under paragraph (2) to vote by proxy in the referendum, the registration officer must grant the application if it meets the requirements set out in paragraph 9.

(4) Sub-paragraphs (1) and (2) do not apply to an elector who is an existing postal voter or an existing proxy voter.

(5) If an existing postal voter applies to the registration officer for the ballot paper, in respect of the referendum, to be sent to a different address from that shown in the record referred to in paragraph 2(1) in relation to that existing postal voter, the registration officer must grant the application if it meets the requirements set out in paragraph 9.

(6) If an existing postal voter applies to the appropriate registration officer to vote by proxy in the referendum, the registration officer must grant the application if—

- (a) the registration officer is satisfied that the applicant’s circumstances on the date of the poll in the referendum will be or will be likely to be such that the person cannot reasonably be expected to vote in person at the polling station allotted, or likely to be allotted, to the person under rule 13 of the Referendum Rules; and

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(26) See Part 1 of the Government of Wales Act 2006 for the National Assembly for Wales and elections to it.

- (b) the application meets the requirements set out in paragraphs 9 and 10.
- (7) The registration officer must keep a record of those whose applications under this paragraph have been granted, showing—
- (a) their dates of birth; and
  - (b) except in cases where the registration officer has dispensed with the requirement to provide a signature, their signatures,
- as provided in accordance with the requirements set out in paragraph 9 and, as the case may be, paragraph 10.
- (8) The record kept under sub-paragraph (7) must be retained by the registration officer for the period of twelve months beginning with the date of the poll at the referendum.

### Absent voters lists

- 4.—(1) The registration officer must keep the 2 lists mentioned in sub-paragraphs (2) and (3).
- (2) The first of those lists is a list (“the postal voters list”) of—
- (a) those who are existing postal voters (excluding those whose applications to vote by proxy under paragraph 3(6) have been granted), together with the addresses, as the case may be—
    - (i) shown in the record mentioned in paragraph 2(1) kept by the registration officer, or
    - (ii) provided by them in any application granted under paragraph 3(5),

as the addresses to which their ballot papers are to be sent; and
  - (b) those granted a vote by post in the referendum by the registration officer by virtue of an application under paragraph 3(1) together with the addresses provided by them in their application as the addresses to which their ballot papers are to be sent.
- (3) The second of those lists is a list (“the list of proxies”) of—
- (a) those who are existing proxy voters by reason of an entry in the record mentioned in paragraph 2(3) kept by the registration officer; and
  - (b) those granted a vote by proxy in the referendum by the registration officer by virtue of an application under paragraph 3(2) or (6),

together (in each case) with the names and addresses of those appointed as their proxies.

- (4) In the case of an elector who has an anonymous entry in the register, any entry in the postal voters list or list of proxies, as the case may be, must show in relation to the elector only the elector’s electoral number and the period for which the anonymous entry has effect.

### Proxies

- 5.—(1) Subject to the provisions of this paragraph, any person is capable of being appointed as a proxy to vote for an elector in the referendum and may vote in pursuance of the appointment.
- (2) An elector cannot have more than one person at a time appointed as a proxy to vote for the elector in the referendum.
- (3) A person is not capable of being appointed to vote, or of voting, as a proxy in the referendum if—
- (a) the person is subject to any legal incapacity (age apart) to vote in the referendum in that person’s own right, or
  - (b) the person is neither a qualifying Commonwealth citizen nor a citizen of the Republic of Ireland nor a relevant citizen of the Union.

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(4) A person is not capable of voting as a proxy in the referendum unless, on the day of the poll, the person has attained the age of eighteen.

(5) A person is not entitled to vote as a proxy in the referendum on behalf of more than two electors of whom that person is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

(6) If there is an existing proxy for an existing proxy voter, the existing proxy is to be treated as having been appointed under this paragraph as a proxy to vote for that existing proxy voter in the referendum.

(7) In sub-paragraph (6), “existing proxy” means, in relation to an existing proxy voter, a person appointed under article 11(6) of the 2007 Order (*proxies at Assembly elections*) as a proxy to vote for the existing proxy voter at Assembly elections for an indefinite period or for a period which extends beyond the date of the poll at the referendum.

(8) Where an elector applies to the registration officer for the appointment of a proxy to vote in the referendum, the registration officer must make the appointment if—

(a) the registration officer is satisfied that the applicant—

(i) is, or on the date of the poll will be, registered in the register maintained by the officer, and

(ii) is entitled to vote by proxy in the referendum by virtue of paragraph 2(3) or an application under paragraph 3;

(b) the registration officer is satisfied that the proxy is capable of being and willing to be appointed; and

(c) the application meets the requirements in paragraphs 9 and 10.

(9) The appointment of a proxy under this paragraph is to be made by means of a proxy paper (in the form A set out in Schedule 6) issued by the registration officer to the proxy.

(10) The appointment of a proxy to vote for an elector in the referendum—

(a) may be cancelled by the elector by giving notice to the registration officer, and

(b) ceases to be in force on the issue of a proxy paper appointing a different person to vote as proxy for the elector in the referendum.

## Voting as proxy

6.—(1) A person entitled to vote as proxy for an elector in the referendum may do so in person at the polling station allotted to the elector under rule 13 of the Referendum Rules unless the person is entitled to vote by post as proxy for that elector in the referendum, in which case the person may vote by post.

(2) Where a person is entitled to vote by post as proxy for an elector in the referendum, the elector may not apply for a ballot paper for the purpose of voting in person at the referendum.

(3) For the purposes of this Schedule, a person entitled to vote as proxy for an elector in the referendum is entitled so to vote by post if that person is included in the proxy postal voters list kept under sub-paragraph (8).

(4) An existing proxy is to be treated as having been granted a vote by post as proxy at the referendum if the existing proxy is, at the relevant time, shown in the record kept under article 12(6) of the 2007 Order (*voting as proxy at Assembly elections*) as voting by post as proxy at Assembly elections for an indefinite period or for a period which extends beyond the day of the poll at the referendum.

(5) In sub-paragraph (4), “existing proxy” means a person who is to be treated as having been appointed as proxy by virtue of paragraph 5(6).

(6) Where such an existing proxy applies to the registration officer for the ballot paper to be sent to a different address from that shown in the record kept under the said article 12(6), the registration officer must grant the application if it meets the requirements set out in paragraph 9.

(7) Where a person applies to the registration officer to vote by post as proxy for an elector in the referendum, the registration officer must grant the application if—

- (a) the registration officer is satisfied that the elector is, or on the date of the poll will be, registered in the register maintained by the officer;
- (b) there is in force an appointment of the applicant as the elector's proxy to vote for the elector in the referendum; and
- (c) the application meets the requirements in paragraph 9.

(8) The registration officer must keep a list ("the proxy postal voters list") of—

- (a) those treated as having been granted a vote by post as proxy by virtue of sub-paragraph (4) together with the addresses as the case may be—
  - (i) shown in the record mentioned in that sub-paragraph kept by the registration officer, or (as the case may be)
  - (ii) provided by them in their applications granted under sub-paragraph (6), as the addresses to which their ballot papers are to be sent, and
- (b) those whose applications under sub-paragraph (7) have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

(9) In the case of an elector who has an anonymous entry in the register, the proxy postal voters list must contain only the elector's electoral number and the period for which the anonymous entry has effect.

(10) Sub-paragraph (2) does not prevent an elector at the polling station allotted to the elector under rule 13 of the Referendum Rules, from marking a tendered ballot paper in pursuance of rule 28(6) of those Rules.

(11) The registration officer must keep a record of those whose applications under sub-paragraph (7) have been granted, showing—

- (a) their dates of birth; and
- (b) except in cases where the registration officer has dispensed with the requirement to provide a signature, their signatures,

as provided in accordance with the requirements set out in paragraph 9.

(12) The record kept under sub-paragraph (11) must be retained by the registration officer for the period of twelve months beginning with the date of the poll at the referendum.

### **Use of personal identifier information**

7. Where the registration officer is not the counting officer for any voting area that is the same as or falls wholly or partly within the registration officer's area, the registration officer must provide the counting officer for that voting area with a copy of the information contained in the records kept by the registration officer in pursuance of—

- (a) paragraphs 3(7) and 6(11); and
- (b) articles 8(9) and 12 (13) of the 2007 Order in relation to persons entitled to an absent vote in the referendum by virtue of paragraph 2(3) or 6(4).

8. Information contained in records kept by a registration officer in pursuance of paragraph 3(7) or 6(11) may be disclosed by the officer to—

- (a) any other registration officer if the officer by whom the information is kept thinks that to do so will assist the other registration officer in the performance of that other officer's duties; and
- (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under this Order.

## PART 2

### Applications for absent vote

#### General requirements for applications

- 9.—(1) This paragraph applies in relation to applications under paragraphs 3, 5(8) or 6(6) or (7).
- (2) An application must be—
- (a) dated; and
  - (b) made in writing.
- (3) An application must contain—
- (a) the applicant's full name and date of birth;
  - (b) the applicant's signature or, in the case of an applicant who is unable to provide a signature, that applicant's request for waiver of the requirement to provide a signature stating the reasons for the request and the name and address of any person who has assisted the applicant in completing the application;
  - (c) except in the case of an application under paragraph 6(6) or (7), the applicant's address in respect of which the applicant is registered or has applied (or is treated as having applied) to be registered in the register;
  - (d) in the case of an application under paragraph 6(6) or (7), the applicant's address together with the name of the elector for whom the applicant will act as proxy and the elector's address for the purposes of paragraph (c);
  - (e) in the case of an application to vote by post, the address to which the ballot paper should be sent;
  - (f) in the case of an application to vote by proxy, the grounds on which the elector claims to be entitled to an absent vote; and
  - (g) where the applicant has, or has applied for, an anonymous entry in the register, that fact.
- (4) Subject to sub-paragraph (12), where—
- (a) in the case of an application to vote by post under paragraph 3(1), the addresses stated in accordance with sub-paragraph (3)(c) and (e) are different; or
  - (b) in the case of an application by a proxy to vote by post under paragraph 6(7), the proxy's address stated in accordance with sub-paragraph (3)(d) and the address stated in accordance with sub-paragraph (3)(e) are different,

the application must set out why the applicant's circumstances will be or are likely to be such that the applicant requires the ballot paper to be sent to the address stated in accordance with sub-paragraph (3)(e).

(5) Subject to sub-paragraph (12), in the case of an application under paragraph 3(5) or 6(6), the application must set out why the applicant's circumstances will be or are likely to be such that the applicant requires the ballot paper to be sent to that other address.

(6) Where an applicant has requested a waiver of the requirement to provide a signature with an application, the registration officer may dispense with that requirement if the registration officer is satisfied that the applicant is unable —

(a) to provide a signature because—

- (i) of any disability the applicant has, or
- (ii) the applicant is unable to read or write; or

(b) to sign in a consistent and distinctive way because of any such disability or inability.

(7) An application for the appointment of a proxy must state the full name and address of the person whom the applicant wishes to appoint as proxy, together with that person's family relationship, if any, with the applicant and—

- (a) if the application is signed only by the applicant, the application must contain a statement signed by the applicant that the applicant has consulted the person so named and that that person is capable of being and willing to be appointed to vote as the applicant's proxy; or
- (b) if the application is signed also by the person to be appointed as proxy, must contain a statement by that person that the person is capable of being and willing to be appointed to vote as the applicant's proxy.

(8) Where an application is required to contain a signature and a date of birth, the information must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning into the record by configuring the information as follows—

- (a) the signature must appear against a background of white unlined paper of at least five centimetres long and two centimetres high; and
- (b) the applicant's date of birth must be set out numerically configured in the sequence of date, month, year namely [d][d] [m][m] [y][y][y][y].

(9) Where the application contains a request that the registration officer dispense with a requirement for signature, sub-paragraph (8)(a) does not apply.

(10) The registration officer may take steps so as to be satisfied that—

- (a) an application meets any requirements that it has been signed by the applicant and states the applicant's date of birth by referring to any signature and date of birth—
  - (i) previously provided by the applicant to the registration officer; or
  - (ii) previously provided by the applicant to the county or county borough council by whom the registration officer was appointed or any registrar of births and deaths and which the registration officer is authorised to inspect for the purposes of the registration officer's duties; and
- (b) an applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write.

(11) For the purposes of sub-paragraph (3)(c), the address in respect of which the applicant is or has applied to be (or is treated as having applied to be) registered includes—

- (a) in the case of a service voter, the address given in the service declaration in accordance with section 16(d) of the 1983 Act(27);
- (b) in the case of a person to whom section 7 of the 1983 Act applies (mental patients who are not detained offenders), the address of the mental hospital or the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act(28);

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(27) Section 16(d) of the Representation of the People Act 1983 was amended by paragraph 9(c) of Schedule 1 to the Representation of the People Act 2000.

(28) Section 7B of the Representation of the People Act 1983 was inserted by section 6 of the Representation of the People Act 2000 and to which there is an amendment not relevant to this Order.

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- (c) in the case of a person to whom section 7A of the 1983 Act applies (person remanded in custody), the address of the place at which that person is detained or the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act; and
  - (d) in the case of a homeless person (within the meaning of section 7B(2)(c) of the 1983 Act), the address shown on the declaration of local connection in accordance with section 7B(3) (d) of that Act.
- (12) Sub-paragraphs (4) and (5) do not apply where an applicant has, or has applied for, an anonymous entry in the register.

#### **Additional requirements for applications to vote by proxy**

**10.—(1)** An application under paragraph 3(2) or (6) to vote by proxy must also contain a statement of the reasons why the applicant's circumstances on the date of the poll at the referendum will be or are likely to be such that the application cannot reasonably be expected to vote in person at the polling station allotted to the applicant.

- (2) Where an application under paragraph 3(2)—
  - (a) is made on the grounds of the applicant's disability, and
  - (b) is made after 5p.m. on the sixth day before the day of the poll,
 the requirements of paragraph 4 of Schedule 1 to the 2007 Order<sup>(29)</sup> as to the matters to be specified and the attestation apply to that application as they apply to an application under article 8(1) of that Order save that references to the allotted polling station mean the polling station allotted or likely to be allotted to the applicant under this Order.
- (3) Where an application mentioned in sub-paragraph (2) is made, the person who attests the application must state, in addition to those matters specified by virtue of that sub-paragraph, to the best of that person's knowledge and belief, the date upon which the applicant became disabled.
- (4) Where an application under paragraph 3(2) is made by a person to whom paragraph 1(6) applies and is made after 5p.m. on the sixth day before the date of the poll, the requirements of sub-paragraph (5) apply.
- (5) Where an application mentioned in sub-paragraph (4) is made—
  - (a) the application must additionally state the name and address of the hospital at which the applicant is liable to be detained;
  - (b) the application must be attested by or on behalf of the managers responsible for the administration of the hospital within the meaning of section 145(1) of the Mental Health Act 1983<sup>(30)</sup> at which the applicant is liable to be detained, and the attestation must state—
    - (i) the name of the person attesting the application;
    - (ii) that person's position in the hospital at which the applicant is liable to be detained;
    - (iii) that the person is a person who is authorised to make the attestation; and
    - (iv) the statutory provision under which the applicant is liable to be detained in the hospital.
- (6) This paragraph does not apply where the applicant has an anonymous entry in the register.

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<sup>(29)</sup> Paragraph 4 of Schedule 1 was amended by SIs 2009/1182 and 1357 and 2010/1621.

<sup>(30)</sup> 1983 c.20. See section 145(1), for the meaning of "hospital" and the meaning of "the managers". Both definitions have been amended.

## Closing dates for applications

**11.—(1)** An application—

- (a) under paragraph 3(1); or
- (b) under paragraph 6(7),

must be disregarded if it is received by the registration officer after 5p.m. on the eleventh day before the day of the poll.

**(2)** Subject to sub-paragraph (3), an application—

- (a) under paragraph 3(2); or
- (b) under paragraph 5(8),

must be disregarded if it is received by the registration officer after 5p.m. on the sixth day before the day of the poll.

**(3)** Where an application under paragraph 3(2) is made—

- (a) on the grounds of the applicant's disability and the applicant became disabled after 5p.m. on the sixth day before the day of the poll; or
- (b) by a person to whom paragraph 1(6) applies,

the application, or an application under paragraph 5(8) made by virtue of that application, must be refused if it is received after 5p.m. on the day of the poll.

**(4)** An application—

- (a) under paragraph 3(5);
- (b) under paragraph 3(6); or
- (c) under paragraph 6(6),

must be refused if it is received by the registration officer after 5p.m. on the eleventh day before the day of the poll.

**(5)** A notice under paragraph 5(10)(a) must be disregarded if it is received by the registration officer after 5p.m. on the eleventh day before the day of the poll.

**(6)** In computing a period of days for the purposes of this paragraph, Saturday, Sunday, Christmas Eve, Christmas Day or a bank holiday are to be disregarded.

**(7)** In sub-paragraph (6) "bank holiday" means a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971(**31**).

## Grant or refusal of applications

**12.—(1)** Where the registration officer grants an application to vote by post the registration officer must notify the applicant of the decision.

**(2)** Where the registration officer grants an application for the appointment of a proxy, the registration officer must confirm in writing to the elector that the proxy has been appointed, the proxy's name and address and the duration of the appointment.

**(3)** Where the registration officer refuses an application for an absent vote the registration officer must notify the applicant of the decision and the reason for it.

**(4)** Where the registration officer grants an application made under—

- (a) paragraph 3(5); or
- (b) paragraph 6(6),

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(31) 1971 c.80

the registration officer must notify the applicant of this.

(5) Where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the registration officer must, where practicable notify the elector that the appointment has been cancelled or, as the case may be, notify the elector that the appointment has ceased and the reason for it.

(6) Where under paragraph 11 the registration officer refuses or disregards an application for the purposes of the referendum, the registration officer must notify the applicant of this.

(7) If, for the purposes of the referendum, the registration officer is not also the counting officer for any voting area that is the same as or falls wholly or partly within the registration officer's area, the registration officer must send to the counting officer for that voting area details of any application to vote by post which the registration officer has granted as soon as practicable after doing so.

### Cancellation of proxy appointment

**13.** Where the appointment of a proxy is cancelled by notice given to the registration officer under paragraph 5(10) or ceases to be in force under that provision, the registration officer must notify the person whose appointment as proxy has been cancelled or ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that the person no longer wishes to act as proxy.

### The personal identifiers record

**14.—(1)** In this paragraph, “personal identifiers record” means a record kept by a registration officer in pursuance of—

- (a) article 8(9) or 12(13) of the 2007 Order in relation to persons entitled to an absent vote in the referendum under paragraph 2 or 6(4) of this Schedule, or
- (b) paragraph 3(7) or 6(11) of this Schedule.

(2) The personal identifiers record must contain the following information in respect of each absent voter on the postal voters list, the list of proxies or the proxy postal voters list—

- (a) that person’s name;
- (b) that person’s date of birth; and
- (c) that person’s signature, or a record of waiver by the registration officer of the requirement for the signature.

(3) A registration officer may disclose information contained in the personal identifiers record to—

- (a) any agent attending proceedings on receipt of postal ballot papers, in accordance with and for the purposes referred to in paragraphs 20(4) and 21 (3)(a) of Schedule 2; or
- (b) any person attending proceedings on receipt of postal ballot papers, who is entitled to do so by virtue of any of sections 6A to 6D of the 2000 Act<sup>(32)</sup> but only to the extent required to permit them to observe the proceedings.

(4) The registration officer must keep the personal identifiers record for twelve months from the date of the poll at the referendum.

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(32) Sections 6A-6D were Inserted into the Political Parties, Elections and Referendums Act 2000 by section 29 of the Electoral Administration Act 2006. Section 6A was amended by [S.I.2007/1388](#), Schedule 1 paragraph 92.

## PART 3

### Registration

#### Effect of register

**15.**—(1) Any entry in the register, if it gives a date as that on which the person named will attain voting age, is for any purpose of this Order relating to that person as an elector conclusive that until the date given in the entry that person is not of voting age nor entitled to be treated as an elector for the purposes of the referendum unless the day fixed for the poll is that or a later date.

(2) A person registered in the register or entered in the list of proxies is not to be excluded from voting in the referendum on any ground set out in sub-paragraph (3), but this does not affect the person's liability to any penalty for voting.

(3) The grounds referred to in sub-paragraph (2) are—

- (a) that the person is not of voting age;
- (b) that the person is not or, on the specified date or (in the case of a proxy) the date of the proxy's appointment, was not—
  - (i) a qualifying Commonwealth citizen;
  - (ii) a citizen of the Republic of Ireland;
  - (iii) a relevant citizen of the Union, or
- (c) that the person is or, on the specified date or (in the case of a proxy) the date of the proxy's appointment, was otherwise subject to any other legal incapacity to vote in the referendum.

(4) In sub-paragraph (3), the “specified date” means—

- (a) in relation to a person registered in the register as published in accordance with section 13(1) of the 1983 Act(33), the 15th October immediately preceding the date of publication of the register;
- (b) in relation to any other person registered in the register, the relevant date for the purposes of section 4 of the 1983 Act(34).

(5) Sub-paragraph (1) applies to an entry in the record of anonymous entries as it applies to an entry in the register.

#### Effect of misdescription

**16.** No misnomer or inaccurate description of any person or place named—

- (a) in the register; or
- (b) in any list, record, proxy paper, ballot paper, notice or other document required for the purposes of this Order or having effect in relation to the referendum,

affects the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

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(33) Section 13 (together with sections 13A and 13B) was substituted for previous section 13 of the Representation of the People Act 1983 by the Representation of the People Act 2000, Schedule 1 paragraph 6. There have been amendments to this substituted section 13 which are not relevant to this Order.

(34) Section 4 of the Representation of the People Act 1983 was substituted by section 1(2) of the Representation of the People Act 2000 and has been amended by the Electoral Administration Act 2006, Schedule 1 paragraph 3.

## Discharge of registration duties

17.—(1) A registration officer must carry out the registration officer’s functions under this Order in accordance with any general or specific directions given by the Secretary of State.

(2) The Secretary of State may give a direction under paragraph (1) only if it is in accordance with a recommendation of the Commission.

(3) Any of the duties and powers of a registration officer under this Order may be performed and exercised by any deputy for the time being approved by the county or county borough council which appointed the registration officer; and the provisions of this Order apply to any such deputy so far as respects any duties or powers to be performed or exercised by that deputy as they apply to the registration officer.

(4) Any acts authorised or required to be done by or with respect to the registration officer under this Order may, in the event of the registration officer’s incapacity to act or of a vacancy, be done by or with respect to the proper officer of the county or county borough council by whom the registration officer was appointed.

(5) A county or county borough council by whom a registration officer is appointed must assign such officers to assist the registration officer as may be required in carrying out the registration officer’s functions under this Order.

## Alterations in the register

18.—(1) Section 13B of the 1983 Act<sup>(35)</sup> (*alteration of register: pending elections*) and regulations having effect in relation to that section<sup>(36)</sup> have effect for the purposes of the referendum as if a reference to an election to which that section applies included a reference to the referendum.

(2) A reference in any enactment to section 13B includes (where the context allows) a reference to that section as modified by this paragraph.

(3) Sub-paragraphs (1) and (2) have effect, in relation to any register, until the first publication after the referendum of a revised version of the register under section 13 of the 1983 Act.

## Payment of expenses of registration

19.—(1) Any expenses properly incurred by a registration officer in the performance of that officer’s functions under this Order (in this paragraph referred to as “registration expenses”) must be paid by the county or county borough council by whom the registration officer was appointed.

(2) Any fees paid to the registration officer under this Order must be accounted for by that officer and paid to the county or county borough council by whom that officer was appointed.

(3) On the request of a registration officer for an advance on account of registration expenses, the county or county borough council by whom the registration officer was appointed may, if it thinks fit, make such an advance to the officer of such an amount and subject to such conditions as it may approve.

## Supply of free copy of register, notices and lists for referendum purposes

20.—(1) This paragraph applies where a registration officer is not the counting officer for the voting area that is the same as or falls wholly or partly within the registration officer’s area; and references in this paragraph to “relevant counting officer” mean the counting officer for that voting area.

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(35) A relevant amendment to section 13B was made by section 11 of the Electoral Administration Act 2006.

(36) See in particular regulations 32, 36 and 36A of the Representation of the People (England and Wales) Regulations 2001 ([S.I. 2001/341](#)) as amended by [S.I. 2002/1871](#) and [S.I. 2006/2910](#).

(2) By no later than the publication of the notice of the referendum, the registration officer must supply the relevant counting officer with as many printed copies of the following as the relevant counting officer may reasonably require for the purposes of the referendum—

- (a) the latest version of the register; and
- (b) any notice, published under section 13A(2) or 13B(3), (3B) or (3D) of the 1983 Act, setting out an alteration to the latest version of the register.

(3) If at any time after a registration officer has complied with paragraph (2)—

- (a) a revised version of the register is published; or
- (b) a notice is published, under sections 13A(2) or 13B(3), (3B) or (3D) of the 1983 Act, setting out an alteration to the latest version of the register as published,

the registration officer must supply the relevant counting officer with as many printed copies of the register or notice as the relevant counting officer may reasonably require for the purposes of the referendum.

(4) Where a registration officer is under a duty to supply a relevant counting officer with printed copies of a register or notice under this paragraph, the registration officer must also supply a copy of the register, notice or list in data form.

(5) A register or notice supplied under this paragraph must be supplied free of charge.

(6) No person to whom a copy of the register has been supplied under this paragraph may—

- (a) supply a copy of the full register;
- (b) disclose any information contained in it (that is not contained in the edited register); or
- (c) make use of any such information,

other than for the purposes of the referendum.

(7) In this paragraph—

- (a) the full register and edited register have the same meaning as in regulation 93 of the 2001 Regulations; and
- (b) “data form” means information which is in a form which is capable of being processed by means of equipment operating automatically in response to instructions given for that purpose.

**21.—(1)** A permitted participant is entitled, subject to the following provisions of this paragraph, to request that the registration officer supply free of charge a copy of the current or the final version of any of the postal voters list, the list of proxies or the proxy postal voters list.

(2) A request under sub-paragraph (1) must be made in writing and must specify—

- (a) the information requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the supply of any final list; and
- (c) whether a printed copy of the records or lists is requested or a copy in data form.

(3) A person who obtains any information under this paragraph may use it only for the purposes specified in sub-paragraph (4) and any restrictions specified in that sub-paragraph apply to such use.

(4) The restrictions on the supply, disclosure and use of the full register in regulations 94 and 96 of the 2001 Regulations apply to information covered by sub-paragraph (1), as they apply to the full register (within the meaning of regulation 93 of those Regulations)(37), except that the permitted purpose means either—

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(37) Regulations 93, 94 and 96 were inserted by [S.I. 2002/1871](#). Relevant amendments have been made to regulation 96 by [S.I. 2006/752](#).

- (a) referendum purposes; or
  - (b) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998<sup>(38)</sup>.
- (5) If a request is duly made to a registration officer for a current copy of the information under sub-paragraph (1), the registration officer must supply that copy as soon as practicable after receipt of that request.
- (6) If a request is duly made to a registration officer for a final copy of the postal voters list under sub-paragraph (1), the registration officer must supply that copy as soon as practicable after 5p.m. on the eleventh day before the day of the poll.
- (7) As soon as practicable after 5p.m. on the sixth day before the day of the poll, the registration officer must—
- (a) make a copy of the postal voters list, the list of proxies and the proxy postal voters list available for inspection at the registration officer's office in accordance with sub-paragraphs (11) to (16);
  - (b) if the registration officer is not also the counting officer for any part of a voting area that lies wholly or partly within the registration officer's area, send to the relevant counting officer a copy of those lists; and
  - (c) supply a final copy of the lists in response to every request under sub-paragraph (1) that has been duly made.
- (8) A registration officer must supply a final copy of the list of proxies, updated to include any additions to that list made in consequence of any applications granted in accordance with paragraph 11(3), as soon as practicable after 5p.m. on the day of the poll, to every person who received that list in accordance with sub-paragraph (7)(c).
- (9) Any person who has obtained or is entitled to obtain a copy of information covered by sub-paragraph (1) may—
- (a) supply a copy of the information to a processor for the purpose of processing the information, or
  - (b) procure that a processor processes and supplies to them any copy of the information which the processor has obtained under this paragraph,
- for use in respect of the purposes for which that person is entitled to obtain such information.
- (10) Paragraphs (2) and (3) and the condition in paragraph (9) of regulation 92 of the 2001 Regulations<sup>(39)</sup> apply to the supply and processing of information supplied under this paragraph as they apply to the supply and processing of the full register under Part 6 of those regulations.
- (11) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in sub-paragraph (1).
- (12) A request under sub-paragraph (11) must be made in writing and must specify—
- (a) the information requested;
  - (b) whether the request is made only in respect of the current lists or whether it includes a request for the inspection of any final list;
  - (c) who will inspect the information;
  - (d) the date on which they wish to inspect the information; and
  - (e) whether they would prefer to inspect the information in a printed or data form.

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(38) 1998 c. 29.

(39) Regulation 92 was inserted by S.I.2002/1871. Paragraph (2) of that regulation has been amended by S.I.2006/752.

(13) A registration officer must make a final copy of the information available for inspection under supervision as soon as practicable after the date of receipt of a request that has been duly made.

(14) Where inspection takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer must ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person, or
- (b) copy or transmit any part of that copy by electronic or any other means.

(15) A person who inspects a copy of the information, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

otherwise than by means of hand-written notes.

(16) Subject to any direction by the Secretary of State under paragraph 17(1), any duty on a registration officer to supply a copy or make information available for inspection under this paragraph imposes only a duty to provide that information in the form in which the registration officer holds it.

(17) For the purposes of this paragraph—

- (a) a “current copy” of records or lists is a copy of the records or lists as kept by the registration officer at 9 a.m. on the date that it is supplied;
- (b) “data form” has the same meaning as in paragraph 20; and
- (c) any period of days is to be calculated in accordance with paragraph 11(6) and (7).

(18) A registration officer must ensure that where the registration officer supplies or discloses information covered by sub-paragraph (1) in accordance with this paragraph, the registration officer does not supply or disclose any record relating to—

- (a) a person who has an anonymous entry in the register, or
- (b) the proxy of a person who has an anonymous entry in the register.

## Appeals

**22.**—(1) An appeal under section 56 of the 1983 Act (40) (*registration appeals*) or under article 5 of the 2007 Order (*registration appeals*) which is pending when notice of the referendum is given does not prejudice the operation as respects the referendum of the decision appealed against, and anything done in pursuance of the decision is as good as if no such appeal had been brought and is not affected by the decision on appeal.

(2) Where, as a result of the decision on an appeal under section 56 of the 1983 Act, an alteration in the register is made which takes effect under section 13(5), 13A(2) or 13B(3) or (3B) of the 1983 Act on or before the day of the poll at the referendum, sub-paragraph (1) does not apply to that appeal.

## Marked register for polling stations

**23.** To indicate that an elector or a proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” must be placed against the entry for that elector in any copy of the register, or part of it, provided for a polling station.

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(40) There are amendments to section 56 that are not relevant for the purposes of this Order.

### **Notification by registration officer**

**24.** Where a registration officer is required by this Schedule to notify any person, such notification must be in writing and may be sent by post—

- (a) in the case of a person other than a service voter, to the address provided by that person for the purpose of such notification or of any record or list or, if there is no such address, to the last known place of abode of that person; or
- (b) in the case of a service voter, to any address provided by the service voter for the purpose of such notification or of any record or list or to the address provided for the purpose by the appropriate government department (as defined by section 59(3B) of the 1983 Act) or, as the case may be, the British Council.

### **Service Voters**

**25.** For the purposes of section 59 of the 1983 Act (supplemental provisions as to members of forces and service voters)—

- (a) subsections (3)(b) and (c)(41) are to be construed as including a reference to this Order in connection with the right conferred by this Order on a person having a service qualification by virtue of section 14(1)(a) or (b) of that Act in relation to the making and cancellation of appointments of a proxy and in relation to voting in person, by post or by proxy; and
- (b) subsection (3A) is to be similarly construed.

### **Forms**

**26.** A registration officer must supply free of charge as many forms for use in connection with applications made under Parts 1 and 2 of this Schedule as appear to that officer reasonable in the circumstances to any person who satisfies that officer of that person's intention to use the forms in connection with the referendum.

## SCHEDULE 2

Article 7(2)

### ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

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### PART 1

#### Interpretation

##### **Interpretation**

1. For the purposes of this Schedule, unless the context requires otherwise—  
“agent” means a referendum agent or a person appointed under paragraph 3;  
“ballot paper envelope” and “covering envelope” mean the envelopes referred to in paragraph 8;  
“issue” includes the original and any subsequent issue;  
“postal ballot box” means the ballot box referred to in paragraph 14(1)(b);  
“postal voters’ ballot box” means the ballot box referred to in paragraph 14(1)(a);  
“receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in paragraph 14(5); and  
“spoilt postal ballot paper” means a ballot paper referred to in paragraph 11(1).

## PART 2

### Issue of postal ballot papers

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

2. Without prejudice to the provisions of sections 6A, 6B, 6C, 6D or 6E of the 2000 Act, no person may be present at the proceedings on the issue of postal ballot papers other than the counting officer and the counting officer's staff.

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

3.—(1) Without prejudice to the provisions of sections 6A, 6B, 6C, 6D or 6E of the 2000 Act, no person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the counting officer and the counting officer's staff;
- (b) a referendum agent; and
- (c) agents appointed in accordance with the following provisions of this paragraph.

(2) Each referendum agent may appoint one or more agents to attend the proceedings on the receipt of the postal ballot papers up to the number the referendum agent may be authorised by the counting officer to appoint so, however, that the number authorised must be the same in the case of each referendum agent.

(3) Notice in writing of any appointment stating the name and address of each person appointed must be given by the referendum agent to the counting officer before the time fixed for the opening of the postal voters' ballot boxes.

(4) If an agent dies or becomes incapable of acting, the referendum agent may appoint another agent in that agent's place and must forthwith give to the counting officer notice in writing of the name and address of the agent appointed.

(5) A referendum agent may do any act or thing which any agent, if appointed under this paragraph, would have been authorised to do or may assist the agent in doing any such act or thing.

(6) Where in this Schedule any act or thing is required or authorised to be done in the presence of the referendum agent or their agents, the non-attendance of any such person at the time and place appointed for the purpose does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

(7) In this Schedule references to agents are to be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under subparagraph (2), who are within the number authorised by the constituency returning officer.

#### **Notification of requirement of secrecy**

4. The counting officer must make such arrangements as the counting officer thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of paragraph 6(4) and (6) of Schedule 4.

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

5.—(1) In the case of—

- (a) an existing postal voter; or
- (b) an existing proxy to whom paragraph 6(4) of Schedule 1 applies,

no postal ballot paper and postal voting statement may be issued until after 5p.m. on the eleventh day before the date of the poll (computed in accordance with paragraph 11(6) and (7) of that Schedule).

(2) In the case of any other person, the postal ballot paper and postal voting statement must be issued by the counting officer as soon as practicable after the registration officer has granted the application to vote by post.

### **Procedure on issue of postal ballot paper**

6.—(1) The number of the elector as stated in the register must be marked on the corresponding number list<sup>(42)</sup>, next to the number and unique identifying mark of the ballot paper issued to that elector.

(2) A mark must be placed in the postal voters list or, as the case may be, the proxy postal voters list against the number of the elector to denote that a ballot paper has been issued to the elector or the elector's proxy but without showing the particular ballot paper issued.

(3) The number of a postal ballot paper must be marked on the postal voting statement sent with that paper.

(4) Subject to sub-paragraph (5), the address to which the postal ballot paper, postal voting statement and the envelopes referred to in paragraph 8 are to be sent is —

- (a) in the case of an elector, the address shown in the postal voters list;
- (b) in the case of a proxy, the address shown in the proxy postal voters list.

(5) Where a person has an anonymous entry in the register, the items specified in sub-paragraph (4) must be sent (as the case may be) to the address to which postal ballot papers should be sent—

- (a) as shown in the record mentioned in paragraph 2(1) of Schedule 1;
- (b) as shown in the record mentioned in paragraph 6(4) of that Schedule; or
- (c) as given in pursuance of an application made under paragraph 3(1) or (5) or paragraph 6(6) or (7) of that Schedule.

### **Refusal to issue postal ballot papers**

7. Where a counting officer is satisfied that two or more entries in either the postal voters list, or the proxy postal voters list or in each of those lists relate to the same elector the counting officer must not issue more than one ballot paper in respect of that elector for the referendum.

### **Envelopes**

8.—(1) The envelope which the counting officer is required by rule 12 of the Referendum Rules to send to a postal voter for the return of the postal ballot paper and the postal voting statement (referred to as a “covering envelope”) must be marked with the letter “B”.

(2) In addition to the document referred to in sub-paragraph (1), the counting officer must send to a postal voter a smaller envelope (referred to as a “ballot paper envelope”) which must be marked with —

- (a) the letter “A”;
- (b) the words —
  - (i) “Ballot paper envelope”;
  - (ii) “Amlen papur pleidleisio”; and

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(42) For the meaning of “corresponding number list” see rule 7(1) of the Referendum Rules.

- (c) the number of the ballot paper.

### **Sealing up of completed corresponding number lists and security of lists**

**9.**—(1) As soon as practicable after the issue of each batch of postal ballot papers, the counting officer must make up into a packet the completed corresponding number lists of those ballot papers which have been issued and must seal such a packet.

(2) Until the time referred to in paragraph 17(11), the counting officer must take reasonable precautions for the security of the marked copy of the postal voters list and the proxy postal voters list.

### **Delivery of postal ballot papers**

**10.**—(1) For the purposes of delivering postal ballot papers, the counting officer may use—

- (a) a universal service provider;
- (b) a commercial delivery firm; or
- (c) persons appointed under rule 14(1) of the Referendum Rules.

(2) Where the services of a universal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters are to be counted and delivered by the counting officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage must be prepaid on envelopes addressed to the postal voters (except where sub-paragraph (1)(c) applies).

(4) Return postage must be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom.

### **Spoilt postal ballot paper**

**11.**—(1) If a postal voter has inadvertently dealt with the ballot paper or postal voting statement in such a manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) or, as the case may be, a postal voting statement (referred to as “a spoilt postal voting statement”) that person may return (either by hand or by post) to the counting officer the spoilt ballot paper or, as the case may be, the spoilt postal voting statement.

(2) Where the postal voter exercises the entitlement conferred by sub-paragraph (1), that person must also return—

- (a) the postal ballot paper or, as the case may be, the postal voting statement, whether spoilt or not; and
- (b) the envelopes supplied for the return of the documents mentioned in sub-paragraph (1) and paragraph (a) of this sub-paragraph.

(3) Subject to sub-paragraph (4), on receipt of the documents referred to in sub-paragraphs (1) and (2) the counting officer must issue another postal ballot paper except where those documents are received after 5p.m. on the day of the poll.

(4) Where the counting officer receives the documents referred to in sub-paragraphs (1) and (2), after 5p.m. on the day before the day of the poll, the counting officer must not issue another postal ballot paper except where the postal voter returned the documents by hand.

(5) Paragraphs 6 (except sub-paragraph (2)), 8 and 9 and, subject to sub-paragraph (8), 10 apply to the issue of a replacement postal ballot paper under sub-paragraph (3).

(6) Any postal ballot paper or postal voting statement, whether spoilt or not, returned in accordance with sub-paragraph (1) or (2) must be immediately cancelled.

(7) The counting officer, as soon as practicable after cancelling those documents, must make up those documents in a separate packet and must seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet must be opened and the additional cancelled documents included in it and the packet must then be again made up and sealed.

(8) Where a postal voter returns the documents referred to in sub-paragraphs (1) and (2) by hand—

- (a) by 5p.m. on the day before the day of the poll, the counting officer may hand a replacement postal ballot paper to that person; or
- (b) after 5p.m. on the day before the day of the poll, the counting officer must hand a replacement postal ballot paper to that person,

instead of delivering it in accordance with paragraph 10.

(9) The counting officer must enter in a list kept for the purpose (“the list of spoilt postal ballot papers”—

- (a) the name and number of the elector as stated in the register (or, in the case of an elector who has an anonymous entry, the elector’s electoral number alone);
- (b) the number of the postal ballot paper issued under this paragraph; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, the proxy’s name and address.

### **Lost postal ballot papers**

12.—(1) Where a postal voter claims either to have lost or not to have received —

- (a) that person’s postal ballot paper; or
- (b) the postal voting statement; or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the day of the poll, that person may apply (whether or not in person) to the counting officer for a replacement ballot paper.

(2) Such an application must include evidence of the voter’s identity.

(3) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), that person must return the documents referred to in sub-paragraph (1)(a) to (c) which that person has received and which have not been lost.

(4) Any postal ballot paper or postal voting statement returned in accordance with sub-paragraph (3) must be immediately cancelled.

(5) The counting officer, as soon as practicable after cancelling those documents, must make up those documents in a separate packet and must seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet must be opened and the additional cancelled documents included in it and the packet must be again made up and sealed.

(6) Subject to sub-paragraph (7) where the application is received by the counting officer before 5p.m. on the day of the poll and the counting officer —

- (a) is satisfied as to the voter’s identity; and
- (b) has no reason to doubt that the postal voter has lost or has not received the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return,

the counting officer must issue another postal ballot paper.

(7) Where the application is received by the counting officer after 5p.m. on the day before the day of the poll, the counting officer must not issue another postal ballot paper except where the postal voter applied in person.

(8) The counting officer must enter in a list kept for the purpose (“the list of lost postal ballot papers”)—

- (a) the name and number of the elector as stated in the register (or, in the case of an elector who has an anonymous entry, the elector’s electoral number alone);
- (b) the number of the postal ballot paper which has been lost or not received and of its replacement issued under this paragraph; and
- (c) where the postal voter is a proxy, the proxy’s name and address.

(9) Paragraphs 6 (except sub-paragraph (2)), 8 and 9, and subject to sub-paragraph (10), 10 apply to the issue of a replacement postal ballot paper under sub-paragraph (6).

(10) Where the postal voter applies in person—

- (a) by 5p.m. on the day before the day of the poll, the counting officer may hand a replacement postal ballot paper to that person; or
- (b) after 5p.m. on the day before the day of the poll, the counting officer must hand a replacement postal ballot paper to that person,

instead of delivering it in accordance with paragraph 10.

(11) Where the counting officer issues another postal ballot paper under sub-paragraph (6), the ballot paper which has been lost or not received must be cancelled and is of no effect.

## PART 3

### Receipt of Postal Ballot Papers

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

13.—(1) The counting officer must give to each referendum agent not less than 48 hours’ notice in writing of each occasion on which a postal voters’ ballot box and the envelopes contained in it are to be opened.

(2) Such a notice must specify—

- (a) the time and place at which such an opening is to take place; and
- (b) the number of agents a referendum agent may appoint under paragraph 3 to attend each opening.

#### **Postal ballot boxes and receptacles**

14.—(1) The counting officer must provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters’ ballot box”); and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box must be marked “postal voters’ ballot box” or “postal ballot box”, as the case may be, and with the name of the voting area.

(3) The postal ballot box must be shown to the agents present on the occasion of opening the first postal voters’ ballot box as being empty.

(4) The counting officer must then apply the counting officer’s seal to the postal ballot box in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The counting officer must provide the following receptacles—

- (a) the receptacle for rejected votes;
  - (b) the receptacle for postal voting statements;
  - (c) the receptacle for ballot paper envelopes;
  - (d) the receptacle for rejected ballot paper envelopes;
  - (e) the receptacle for rejected votes (verification procedure); and
  - (f) the receptacle for postal voting statements (verification procedure).
- (6) The counting officer must take reasonable precautions for the safe custody of every ballot box and receptacle referred to in this paragraph.

#### **Receipt of covering envelope**

**15.**—(1) The counting officer must, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

- (2) Where an envelope, other than a covering envelope issued by the counting officer—
  - (a) has been opened; and
  - (b) contains a ballot paper envelope, postal voting statement or ballot paper,

the first-mentioned envelope together with its contents, must be placed in a postal voters' ballot box.

#### **Opening of postal voters' ballot box**

**16.**—(1) Each postal voters' ballot box must be opened by the counting officer in the presence of the agents.

(2) So long as the counting officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by the counting officer.

(3) The last postal voters' ballot box and the postal ballot box are to be opened at the counting of the votes under rule 34 of the Referendum Rules.

#### **Opening of covering envelopes**

**17.**—(1) When a postal voters' ballot box is opened, the counting officer must count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph 15(2)).

(2) The counting officer must set aside for personal identifier verification a percentage, not less than 20%, of the envelopes recorded on that occasion.

(3) The counting officer must open separately each covering envelope (including an envelope described in paragraph 15(2)).

(4) The procedure in paragraph 19 or 20 applies where a covering envelope (including an envelope to which paragraph 15(2) applies) contains both—

- (a) a postal voting statement; and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper.

(5) Where the covering envelope does not contain the postal voting statement separately, the counting officer must open the ballot paper envelope to ascertain whether the postal voting statement is inside.

(6) Where a covering envelope does not contain both—

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- (a) a postal voting statement (whether separately or not); and
  - (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper,
- the counting officer must mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

(7) Where—

- (a) an envelope contains the postal voting statement of an elector with an anonymous entry; and
- (b) sub-paragraph (6) does not apply,

the counting officer must set aside that envelope and its contents for personal identifier verification in accordance with paragraph 20.

(8) In carrying out the procedures in this paragraph and paragraphs 19 to 25 the counting officer—

- (a) must keep the ballot papers face downwards and must take all reasonable precautions for preventing any person from seeing the votes made on the ballot papers, and
- (b) is not permitted to view the corresponding number list used at the issue of postal ballot papers.

(9) Where an envelope opened in accordance with sub-paragraph (3) contains a postal voting statement, the counting officer must place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(10) A mark made under sub-paragraph (9) must be distinguishable from and must not obscure the mark made under paragraph 6(2).

(11) As soon as practicable after the last covering envelope has been opened, the counting officer must make up into a packet the copies of the marked postal voters list and proxy postal voters list that have been marked in accordance with sub-paragraph (9) and must seal such a packet.

### **Confirming receipt of postal voting statements**

**18.—(1)** An elector or a proxy voter who is shown in the postal voters list or, as the case may be, proxy postal voters list may make a request, at any time between the first issue of postal ballots under paragraph 5 and the close of the poll, that the counting officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned, and
- (b) whether the number of the ballot paper issued to the elector or the elector’s proxy has been recorded on either of the lists of provisionally rejected votes kept by the counting officer under paragraph 24.

(2) A request under sub-paragraph (1) must —

- (a) be made by any method specified by the counting officer, and
- (b) include any evidence of the voter’s identity requested by the counting officer.

(3) Where a request is received in accordance with sub-paragraph (2) the counting officer must be satisfied that the request has been made by the elector or the elector’s proxy and where the counting officer is so satisfied provide confirmation of the matters under sub-paragraph (1).

### **Procedure in relation to postal voting statements**

**19.—(1)** This paragraph applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with paragraph 17(2) or (7).

- (2) The counting officer must be satisfied that the postal voting statement is duly completed.
- (3) Where the counting officer is not so satisfied, the counting officer must mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper, and, subject to sub-paragraph (4), place it in the receptacle for rejected votes.
- (4) Before placing the statement in the receptacle for rejected votes, the counting officer must show it to the agents and, if any of them object to the counting officer’s decision, the counting officer must add the words “rejection objected to”.
- (5) The counting officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, the counting officer must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements and the receptacle for ballot paper envelopes.
- (6) Where—
  - (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope; or
  - (b) the envelope has no number on it,the counting officer must open the envelope.
- (7) Sub-paragraph (8) applies where—
  - (a) there is a valid postal voting statement but no ballot paper envelope; or
  - (b) the ballot paper envelope has been opened under paragraph 17(5) or under sub-paragraph (6).
- (8) In the circumstances described in sub-paragraph (7), the counting officer must place—
  - (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
  - (b) in the receptacle for rejected votes any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
  - (c) in the receptacle for rejected votes any valid postal voting statement marked “provisionally rejected” where there is no ballot paper; or
  - (d) in the receptacle for postal voting statements, any valid statement not disposed of under sub-paragraph (b) or (c).

#### **Procedure in relation to postal voting statements: personal identifier verification**

**20.—(1)** This paragraph applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with paragraph 17(2) or (7).

(2) The counting officer must be satisfied that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the relevant personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the counting officer is not so satisfied, the counting officer must mark the statement “rejected”, attach to it the ballot paper envelope or, if there is no such envelope, the ballot paper, and, subject to sub-paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing any postal voting statement in the receptacle for rejected votes (verification procedure), the counting officer must show it to the agents and must permit them to view the entries in the relevant personal identifiers record which relate to the person to whom the postal voting statement was addressed, and if any of them object to the counting officer’s decision, the counting officer must add the words “rejection objected to”.

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(5) The counting officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, the counting officer must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
  - (b) the envelope has no number on it,
- the counting officer must open the envelope.

(7) Sub-paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under paragraph 17(5) or under sub-paragraph (6).

(8) In the circumstances described in sub-paragraph (7), the counting officer must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected” where there is no ballot paper; and
- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under sub-paragraph (b) or (c).

(9) In this paragraph and in paragraph 21, “the relevant personal identifier records” means the records referred to in Schedule 1 paragraph 14.

### **Postal voting statements: additional personal identifier verification**

21.—(1) The counting officer may on any occasion at which a postal voters’ ballot box is opened in accordance with paragraph 16 undertake verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.

(2) Where the counting officer undertakes additional verification of personal identifiers, the counting officer must—

- (a) remove as many postal voting statements from the receptacle for postal voting statements as the counting officer wishes to subject to additional verification; and
- (b) compare the date of birth and the signature on each such postal voting statement against the date of birth and signature contained in the relevant personal identifiers record relating to the person to whom the postal ballot paper was addressed.

(3) Where the counting officer is no longer satisfied that the postal voting statement has been duly completed the counting officer must mark the statement “rejected”, and before placing the postal voting statement in the receptacle for rejected votes (verification procedure) the counting officer must—

- (a) show it to the agents and must permit them to view the entries in the relevant personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to the counting officer’s decision, the counting officer must add the words “rejection objected to”;

- (b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper on the postal voting statement;
  - (c) show the ballot paper number on the retrieved ballot paper to the agents; and
  - (d) attach the ballot paper to the postal voting statement.
- (4) Following the removal of a postal ballot paper from a postal ballot box the counting officer must reseal the postal ballot box in the presence of the agents.

### **Opening of ballot paper envelopes**

**22.—(1)** The counting officer must open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

- (2) The counting officer must place—
  - (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the ballot paper envelope;
  - (b) in the receptacle for rejected votes, any other ballot paper which must be marked “provisionally rejected” and to which must be attached the ballot paper envelope; and
  - (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which must be marked “provisionally rejected” because it does not contain a ballot paper.

### **Retrieval of cancelled postal ballot papers**

**23.—(1)** Where it appears to the counting officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters’ ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

the counting officer must proceed as follows.

(2) The counting officer must, on at least one occasion on which a postal voters ballot box is opened in accordance with paragraph 16, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the agents;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements;
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by paragraph 11(7); and
- (f) unless the postal ballot box has been opened for the purposes of counting the votes under rule 34 of the Referendum Rules, reseal the postal ballot box in the presence of the agents.

### **Lists of rejected postal ballot papers**

**24.—(1)** In respect of the referendum, the counting officer must keep two separate lists of rejected postal ballot papers.

(2) In the first list, the counting officer must record the ballot paper number of any postal ballot paper for which no valid postal voting statement was received with it.

(3) In the second list, the counting officer must record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that ballot paper is not received with the postal voting statement.

#### **Checking of lists kept under paragraph 24**

**25.**—(1) Where the counting officer receives a valid postal voting statement without the postal ballot paper to which it relates, the counting officer may, at any time prior to the close of the poll, check the list referred to in paragraph 24(2) to see whether the number of a postal ballot paper to which the statement relates is entered in that list.

(2) Where the counting officer receives a postal ballot paper without the postal voting statement to which it relates, the counting officer may, at any time prior to the close of the poll, check the list referred to in paragraph 24(3) to see whether the number of that ballot paper is entered in that list.

(3) The counting officer must conduct the checks required by sub-paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station in the voting area under rule 32 of the Referendum Rules.

(4) Where the ballot paper number in the list matches that number on a valid postal voting statement or, as the case may be, the postal ballot paper, the counting officer must retrieve that statement or paper.

(5) The counting officer must then take the appropriate steps under this Schedule as though any document earlier marked “provisionally rejected” had not been so marked and must amend the document accordingly.

#### **Sealing of receptacles**

**26.**—(1) As soon as practicable after the completion of the procedure under paragraph 25(3) and (4), the counting officer must make up into separate packets the contents of—

- (a) the receptacle of rejected votes;
- (b) the receptacle of postal voting statements;
- (c) the receptacle of rejected ballot paper envelopes;
- (d) the lists of spoilt and lost postal ballot papers;
- (e) the receptacle of rejected votes (verification procedure); and
- (f) the receptacle of postal voting statements (verification procedure),

and must seal up such packets.

(2) Any document in those packets marked “provisionally rejected” is to be deemed to be marked “rejected”.

#### **Forwarding of documents**

**27.**—(1) The counting officer must forward to the relevant registration officer at the same time as the counting officer forwards to that officer the documents mentioned in rule 42 of the Referendum Rules—

- (a) any packets referred to in paragraphs 9, 11(7), 12(5), 17 (11) and 26, endorsing on each packet a description of its contents, the date of the referendum and the name of the voting area; and
- (b) a completed statement in the form C set out in Schedule 6 of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the counting officer after the close of the poll (apart from those delivered in accordance with rule 34 of the Referendum Rules);
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed; or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the counting officer must put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in sub-paragraph (1).

(3) Rules 43 and 44 of the Referendum Rules apply to any packet or document forwarded under this paragraph.

(4) A copy of the statement referred to in sub-paragraph (1)(b) must be provided by the counting officer to the Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.

## SCHEDEULE 3

Article 8

### REFERENDUM RULES

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## PART 1

### Time

#### Timetable

1. The proceedings in the referendum are to be conducted in accordance with the following Table —

<i>Proceeding</i>	<i>Time</i>	<i>Provision</i>
Publication of notice of referendum	Not later than the twenty-fifth day before the day of the poll	Rule 3(1)
Issue of official poll card	As soon as practicable after publication of notice of referendum	Rule 15(1)
Publication of notice of poll	Not later than the sixteenth day before the day of the poll	Rule 11(1)
Notice of appointment of referendum agents	Not later than the sixteenth day before the day of the poll	Article 18(3)
Notice of appointment of polling and counting agents	Not later than the fifth day before the date of the poll	Rule 17(6)
Notice of designation of a designated counting agent	At the same time as notice of appointment of the counting agent	Rule 17(6) and (8)
Polling	Between the hours of 7a.m. in the morning and 10p.m. at night	Rule 4

#### Computation of time

2. In calculating any period of time for the purposes of these Rules, the following days are to be disregarded —

- (a) a Saturday or Sunday;
- (b) Christmas Eve or Christmas Day;
- (c) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971<sup>(43)</sup>; and
- (d) a day appointed for public thanksgiving or mourning,

nor is a counting officer obliged to proceed with the counting of votes on such a day.

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<sup>(43)</sup> 1971 c.80.

## PART 2

### General Provisions

#### **Notice of the referendum**

- 3.—(1) The counting officer must give public notice of the referendum not later than the twenty-fifth day before the date of the poll at the referendum.
- (2) The notice must be in English and Welsh and must state —
- (a) the date of the poll;
  - (b) the question to appear on the ballot paper and the statement to precede that question on the ballot paper;
  - (c) the hours of polling;
  - (d) a description of who is entitled to vote; and
  - (e) the date by which the following applications must reach the registration officer in order that they may be effective for the referendum —
    - (i) applications to vote by post or by proxy; and
    - (ii) other applications and notices about postal or proxy voting.

#### **Hours of polling**

4. The hours of polling are between 7a.m. and 10p.m. on the day of the poll at the referendum.

#### **Poll to be taken by ballot**

5. The votes in the referendum are to be given by ballot.

#### **The ballot paper**

- 6.—(1) The ballot of every voter is to consist of a ballot paper.
- (2) Each ballot paper is to be in the form D set out in Schedule 6 and is to be printed in accordance with the directions set out in that Schedule following that form.
- (3) Each ballot paper must —
- (a) set out the question and preceding statement as specified in article 4;
  - (b) be capable of being folded up; and
  - (c) have a number and other unique identifying mark printed on the back.

#### **The corresponding number list**

- 7.—(1) The counting officer must prepare a list (in this Order referred to as “the corresponding number list”) containing the numbers and other unique identifying marks of all ballot papers to be—
- (a) issued by the officer in pursuance of rule 12(1), or
  - (b) provided by the officer in pursuance of rule 16(1).
- (2) The corresponding number list must be in the form E set out in Schedule 6.

### The official mark

- 8.**—(1) Every ballot paper must contain an appropriate security marking (in these Rules referred to as “the official mark”).
- (2) The official mark must be kept secret.
- (3) The counting officer may use a different official mark for different purposes.

### Prohibition of disclosure of vote

- 9.** A person who has voted in the referendum may not be required, in any legal proceedings to question the referendum, to state for which answer that person has voted.

### Use of schools and public rooms for polling

- 10.**—(1) The counting officer may use, free of charge, for the purpose of taking the poll —
- (a) a room in a school to which this rule applies, or
  - (b) a room the expense of maintaining which is payable wholly or mainly out of public funds.
- (2) This rule applies to a school maintained or assisted by a local authority or a school in respect of which grants are made out of money provided by Parliament or the Welsh Ministers to the person or body of persons responsible for the management of the school.
- (3) The counting officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as referred to in paragraph (1) by reason of its being used for the purpose of taking the poll.

## PART 3

### Action to be taken before the poll

#### Notice of poll

- 11.**—(1) The counting officer must give public notice of the poll not later than the sixteenth day before the date of the poll at the referendum.
- (2) The notice must be in English and Welsh and must state —
- (a) the date of the poll at the referendum;
  - (b) the hours of polling;
  - (c) the question to appear on the ballot paper and the statement to precede that question on the ballot paper;
  - (d) the situation of each polling station in the counting officer’s area;
  - (e) a description of voters entitled to vote at each polling station; and
  - (f) the date by which the following applications must reach the registration officer in order that they may be effective for the referendum —
    - (i) applications to vote by post or by proxy; and
    - (ii) other applications and notices about postal or proxy voting.
- (3) As soon as practicable after giving the notice under paragraph (2), the counting officer must give a copy of it to each of the referendum agents appointed for the officer’s area.

## Postal ballot papers

**12.—(1)** The counting officer must in accordance with Schedule 2 issue to those entitled to vote by post —

- (a) a ballot paper; and
- (b) a postal voting statement,

together with the envelopes for their return (in accordance with paragraph 8 of Schedule 2).

**(2)** The counting officer must also issue to those entitled to vote by post information about how to obtain —

- (a) translations into languages other than English and Welsh of any directions to or guidance for voters sent with the ballot papers;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representation of such directions or guidance; and
- (d) the directions or guidance in any other form (including any audible form).

**(3)** In the case of a ballot paper issued to a person at an address in the United Kingdom, the counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

## Provision of polling stations

**13.—(1)** The counting officer must —

- (a) provide a sufficient number of polling stations;
- (b) allot the electors to the polling stations, in accordance with this rule, in such a manner as the counting officer thinks most convenient.

**(2)** One or more polling stations may be provided in the same room.

**(3)** The polling station allotted to electors from any polling district must be the polling place for that district<sup>(44)</sup>.

**(4)** The counting officer must provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

## Appointment of presiding officers and clerks

**14.—(1)** The counting officer must appoint and pay —

- (a) a presiding officer to attend each polling station, and
- (b) such clerks as may be necessary for the purposes of the referendum.

**(2)** An appointment under paragraph (1) must be in writing.

**(3)** The counting officer may not appoint any person under paragraph (1) who has been employed by or on behalf of a permitted participant in or about the referendum.

**(4)** The counting officer may, if the counting officer thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer apply to a counting officer who so presides with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.

**(5)** A presiding officer may authorise a clerk appointed in accordance with this rule to do any act (including the asking of questions) which the presiding officer is required or authorised by these

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<sup>(44)</sup> See article 6 for further provisions about polling districts and polling stations.

Rules to do at a polling station, except ordering the arrest, exclusion or removal of any person from the polling station.

### **Issue of official poll cards**

- 15.**—(1) The counting officer must as soon as practicable after the publication of notice of the referendum, send to voters an official poll card in accordance with this rule.
- (2) Subject to paragraph (4), in the case of —
- (a) an elector, the official poll card must be sent or delivered to that person's qualifying address; and
  - (b) a proxy, the official poll card must be sent or delivered to the proxy's address as shown in the list of proxies.
- (3) The official poll card must set out —
- (a) except in the case of an elector who has an anonymous entry in the register, the elector's name, qualifying address and number on the register;
  - (b) the date and hours of the poll and the situation of the voter's polling station; and
  - (c) such other information as the counting officer considers appropriate and different information may be provided in pursuance of this sub-paragraph to different voters or descriptions of voters.
- (4) In the case of an elector with an anonymous entry in the register—
- (a) where the elector has given another address in the application under regulation 31G of the 2001 Regulations, the official poll card must be sent or delivered to that other address; and
  - (b) instead of containing the matter mentioned in paragraph (3)(a), the official poll card must contain such matter as is specified in the appropriate form referred to in paragraphs (5), (6), (7) or (8).
- (5) The official poll card issued to an elector must be in the form F set out in Schedule 6.
- (6) The official poll card issued to a proxy must be in the form G set out in Schedule 6.
- (7) The official postal poll card issued to an elector must be in the form H set out in Schedule 6.
- (8) The official postal poll card issued to a proxy must be in the form I set out in Schedule 6.
- (9) In this rule any reference to an elector means a person who is registered in the register on the last day for publication of the notice of the referendum.
- (10) In paragraph (9) the reference to a person who is so registered includes a person then shown in that register as below voting age if (but only if) it appears from the register that that person will be of voting age on the day fixed for the poll.

### **Equipment of polling stations**

- 16.**—(1) The counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as the counting officer considers necessary.
- (2) Each ballot box must be constructed so that the ballot papers can be put in, but cannot be withdrawn from it without the seal being broken.
- (3) The counting officer must provide each polling station with —
- (a) materials to enable voters to mark the ballot papers;
  - (b) copies of the register or such part of it as contains the entries relating to the electors allotted to the polling station;

- (c) the parts of any lists of persons entitled to vote by post or by proxy prepared for the referendum corresponding to the register or the part of it provided under sub-paragraph (b);
  - (d) a list (which must be in the form J set out in Schedule 6) consisting of that part of the corresponding number list which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station; and
  - (e) copies of forms of declarations and other documents required for the purposes of the poll.
- (4) The reference in paragraph (3)(b) to the copies of the register includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act in respect of alterations to the register.
- (5) The counting officer must also provide each polling station with —
- (a) at least one enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially-sighted, which must be displayed inside the polling station; and
  - (b) a device of the description set out in paragraphs (6) and (7) for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion<sup>(45)</sup>.
- (6) The device referred to in paragraph (5)(b) must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.
- (7) On one side of the device there must be tabs of equal size which satisfy the conditions in paragraphs (8) to (11).
- (8) The tabs must be capable of being positioned on the ballot paper so that each one is above one of the spaces to the right of the answers on the ballot paper and on which the vote is to be marked (“the relevant space”).
- (9) Each tab must be numbered so that when the device is positioned over the ballot paper, the number of each tab corresponds to that of the answer, the details of which are to the left of the relevant space covered by the tab in question.
- (10) Each number on a tab must be in raised form so that it can be clearly identified by touch.
- (11) Each tab must be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.
- (12) The counting officer must cause to be displayed at every polling station an enlarged sample copy of the ballot paper.
- (13) The sample copy mentioned in —
- (a) paragraphs (5)(a) and (12) must be clearly marked as a specimen provided only for the guidance of voters in voting;
  - (b) paragraph (12) must have printed the words “Vote (X) in one box only” and “Pleidleisiwch (X) mewn un blwch yn unig” both at the top and immediately below the referendum question on the front of the ballot paper;
  - (c) paragraph (12) may, below the second occurrence of those words, include a translation of those words into such other languages as the counting officer thinks appropriate.
- (14) A notice in the form K set out in Schedule 6, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.
- (15) In every compartment of every polling station there must be exhibited the following notice (adapted so far as circumstances require)—

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<sup>(45)</sup> See rule 27 as to the meaning of “companion”.

“REFERENDUM

Vote (X) in one box only.

Put no other mark on the ballot paper or your vote may not be counted.

REFFERENDWM

Pleidleisiwch (X) mewn un blwch yn unig.

Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”

**Appointment of polling and counting agents**

17.—(1) A referendum agent may, before the commencement of the poll, appoint—

- (a) polling agents to attend at polling stations for the purpose of detecting personation;
- (b) counting agents to attend at the counting of the votes.

(2) A referendum agent may, for each count, designate one counting agent appointed under paragraph (1) as a person authorised to require a re-count under rule 37; and a designation under this paragraph must be made at the same time as the person’s appointment as a counting agent.

(3) In paragraph (2), “count” includes a re-count and “re-count” includes a further re-count.

(4) The counting officer may limit the number of counting agents that may be appointed, so long as—

- (a) the number that may be appointed by each referendum agent is the same, and
- (b) the number that may be appointed by each referendum agent is not (except in special circumstances) less than the number obtained by dividing the number of clerks employed on the counting by the number of referendum agents.

(5) For the purposes of paragraph (4)(b), a counting agent appointed by more than one referendum agent is to be treated as a separate agent for each of them.

(6) A referendum agent who appoints a polling or counting agent must give the counting officer notice of the appointment by no later than the fifth day before the day of the poll.

(7) If a polling or counting agent dies, or becomes incapable of acting, the referendum agent may appoint another agent and must give the counting officer notice of the new appointment as soon as practicable.

(8) If a referendum agent designates a counting agent under paragraph (2) the notice under paragraph (6) or (7) must include notice of that fact.

(9) A notice under paragraph (6) or (7)—

- (a) must be in writing, and
- (b) must give the name and address of the appointee.

(10) In the following provisions of these rules, references to polling agents and counting agents are to be read as references to polling or counting agents appointed under paragraph (1) or (7)—

- (a) whose appointments have been duly made and notified, and

- (b) where the number of agents is restricted, who are within the permitted numbers.

(11) Any notice required to be given to a counting agent by the counting officer may be delivered at, or sent by post to, the address stated in the notice of appointment.

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(12) A referendum agent may do or assist in doing anything that a polling or counting agent appointed by him or her is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of a referendum agent instead of his or her polling or counting agents.

(13) Where by these rules anything is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose does not invalidate the thing (if the thing is otherwise duly done).

#### **Notification of requirement of secrecy**

**18.—(1)** The counting officer must make such arrangements as the counting officer thinks fit to ensure that —

- (a) every person attending a polling station has been given a copy in writing of the provisions of paragraph 6(1), (3) and (6) of Schedule 4; and
  - (b) every person attending the counting of the votes has been given a copy in writing of the provisions of paragraph 6(2) and (6) of that Schedule.
- (2) Paragraph (1) does not require the provision of that information to —
- (a) a person attending the polling station for the purpose of voting;
  - (b) a person under the age of 18 accompanying a voter;
  - (c) a companion of a voter with disabilities;
  - (d) a constable on duty at a polling station or at the count.

#### **Return of postal ballot papers**

**19.—(1)** Where —

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list; or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the counting officer must mark the appropriate list accordingly.

(2) Rule 34(5) does not apply for the purposes of determining whether for the purposes of this rule, a postal vote or a proxy postal vote is returned.

## **PART 4**

### **The poll**

#### **Admission to polling station**

**20.—(1)** The presiding officer must exclude all persons from the polling station except —

- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) companions of voters with disabilities;
- (d) referendum agents;
- (e) polling agents appointed to attend at the polling station;
- (f) clerks appointed to attend the polling station;

- (g) the Chief Counting Officer, a Deputy Chief Counting Officer and members of the Chief Counting Officer's staff;
  - (h) a counting officer and members of the counting officer's staff;
  - (i) persons who are entitled to attend by virtue of sections 6A to 6D of the 2000 Act; and
  - (j) constables on duty.
- (2) The presiding officer must regulate the total number of persons to which this paragraph applies who may be admitted to the polling station at the same time.
- (3) Paragraph (2) applies to voters and persons under the age of 18 who accompany them.
- (4) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same referendum agent.
- (5) A constable or person employed by a counting officer may be admitted to vote in person elsewhere than at the polling station allotted under these Rules(46), only on production and surrender of a certificate (in these rules referred to as "certificate as to employment on duty on the day of the poll") which satisfies the requirements set out in paragraph (6).
- (6) A certificate must —
- (a) be signed by —
    - (i) an officer of police of the rank of inspector or above; or
    - (ii) the counting officer; and
  - (b) be in the form L set out in Schedule 6.
- (7) A certificate surrendered under paragraph (5) must be immediately cancelled.

### **Keeping of order in polling station**

- 21.—(1) The presiding officer must keep order at the polling station.
- (2) If a person —
- (a) obstructs the operation of the polling station;
  - (b) obstructs any voter in polling; or
  - (c) does anything else which the presiding officer considers may adversely affect proceedings at the polling station,
- the presiding officer may order the person to be removed immediately from the polling station.
- (3) A person may be so removed —
- (a) by a constable in or near that station; or
  - (b) by any other person authorised in writing by the counting officer to discharge this function.
- (4) A person removed under paragraph (2) may not enter the polling station again during that day without the presiding officer's permission.
- (5) The power to remove a person from the polling station may not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having the opportunity to vote at that station.

### **Sealing of ballot boxes**

- 22.—(1) Immediately before the commencement of the poll, the presiding officer must show each ballot box proposed to be used for the purposes of the poll to such persons (if any) who are present in the polling station so that they may see that each box is empty.

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(46) See rule 13.

(2) The presiding officer must then —

- (a) place the presiding officer's seal on each box in such a manner as to prevent it being opened without breaking the seal,
- (b) place each box in the presiding officer's view for receipt of ballot papers, and
- (c) keep each box sealed.

### Questions to be put to voters

23.—(1) At the time a person described in an entry in column 1 of the Table in paragraph (3) ("the Table") applies for a ballot paper (but not afterwards), the presiding officer —

- (a) may put the questions specified in the second or, as the case may be, third column of that Table to the person if the presiding officer considers it appropriate to do so, and
- (b) must put the questions mentioned in that Table, where the letter "R" appears after the question, to the person if required to do so by a referendum agent or a polling agent.

(2) The question may, as appropriate, be asked in English (as set out in column (2) of the Table) or Welsh (as set out in column (3) of the Table).

(3) The questions referred to in paragraph (1) are —

Column (1)	Column (2)	Column (3)
Type of person applying for ballot paper	Question to be asked in English	Question to be asked in Welsh
1. A person applying as an elector	(a) "Are you the person registered in the register of local government electors as follows [read out the whole entry from the register]?" [R]	(a) "Ai chi yw'r person sydd wedi ei gofrestru ar y gofrestr o etholwyr llywodraeth leol fel a ganlyn [darllen allan y cofnod cyfan o'r gofrestr]?" [R]
	(b) "Have you already voted, here or elsewhere, in this referendum, otherwise than as a proxy for some other person?" [R]	(b) "A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn y refferendwm hwn, ar wahân i fel dirprwy dros berson arall?" [R]
2. A person applying as proxy	(a) "Are you the person whose name appears as A B in the list of proxies for this referendum as entitled to vote as proxy on behalf of C D?" [R]	(a) "Ai chi yw'r person y mae eich enw yn ymddangos fel A B ar y rhestr o ddirprwyon ar gyfer y refferendwm hwn fel rhywun sydd â hawl i fwrw pleidlais ddirprwy ar ran C D?" [R]
	(b) "Have you already voted, here or elsewhere, in this referendum, as proxy on behalf of C D?" [R]	(b) "A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn y refferendwm hwn, fel dirprwy ar ran C D?" [R]
	(c) "Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C D?" [R]	(c) "Ai chi yw priod, partner sifil, rhiant, nain (mam-gu), taid (tad-cu), brawd, chwaer,

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
Type of person applying for ballot paper	Question to be asked in English	Question to be asked in Welsh
		plentyn, âyr neu wyres C D?” [R]
3. A person applying as proxy for an elector with an anonymous entry in the register (instead of the questions in entry 2)	(a) “Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of local government electors is <i>[read out the number from the register]</i> ?” [R]	(a) “Ai chi yw'r person sydd â hawl i bleidleisio fel dirprwy ar ran yr etholwr(aig) sydd â'r rhif canlynol ar y gofrestr o etholwyr llywodraeth leol [ <i>darllen allan y rhif o'r gofrestr</i> ]?”[R]
	(b) “Have you already voted, here or elsewhere, in this referendum, as proxy on behalf of the elector whose number on the register of local government electors is <i>[read out the number from the register]</i> ?” [R]	(b) “A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn y refferendwm hwn, fel dirprwy ar ran yr etholwr(aig) sydd â'r rhif canlynol ar y gofrestr o etholwyr llywodraeth leol ar ei gyfer [ <i>darllen allan y rhif o'r gofrestr</i> ]?”
	(c) “Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the elector whose number on the register of local government electors is <i>[read out the number from the register]</i> ?” [R]	(c) “ Ai chi yw priod, partner sifil, rhiant, nain (mam-gu), taid (tad-cu), brawd, chwaer, plentyn, âyr neu wyres y person sydd â'r rhif canlynol ar y gofrestr o etholwyr llywodraeth leol [ <i>darllen allan y rhif o'r gofrestr</i> ]?”[R]
4. A person applying as proxy if the question at entry 2(c) or 3(c) (if applicable) is not answered in the affirmative	“Have you already voted in this referendum on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?” [R]	“A ydych yn y refferendwm hwn eisoes wedi pleidleisio ar ran dau berson a chithau heb fod yn briod, partner sifil, rhiant, nain (mam-gu), taid (tad-cu), brawd, chwaer, plentyn, âyr neu wyres iddynt?” [R}
5. A person applying as an elector in relation to whom there is an entry in the postal voters list	(a) “Did you apply to vote by post?”  (b) “Why have you not voted by post?”	(a) “A wnaethoch gais i bleidleisio drwy'r post?”  (b) “Pam na wnaethoch bleidleisio drwy'r post?”
6. A person applying as proxy who is named in the proxy postal voters list	(a) “Did you apply to vote by post as proxy?”  (b) “Why have you not voted by post as proxy?”	(a) “A wnaethoch gais i bleidleisio drwy'r post fel dirprwy?”  (b) “Pam na wnaethoch bleidleisio drwy'r post fel dirprwy?”

(4) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the reference in the questions at entries 1(a) and 3(a), (b) and (c) in the Table, to reading from the register are to be read as references to reading from the notice issued under section 13B(3B) or (3D) as the case may be.

(5) A ballot paper must not be delivered to any person required to answer any of the questions under this rule unless that person has answered each question satisfactorily.

(6) Except as authorised by this rule, no enquiry is permitted as to the right of any person to vote.

### Challenge of voter

**24.** A person is not to be prevented from voting by reason only that —

- (a) a referendum agent or polling agent —
  - (i) has reasonable cause to believe that the person has committed an offence of personation<sup>(47)</sup>, and
  - (ii) that agent makes a declaration to that effect, or
- (b) the person is arrested on the grounds of being suspected of committing or of being about to commit such an offence.

### Voting procedure

**25.—(1)** Subject to any provision of these rules to the contrary, a ballot paper must be delivered to a voter who applies for one, and immediately before delivery —

- (a) the number and (unless paragraph (2) applies) the name of the elector as stated in the copy of the register must be called out;
- (b) the number of the elector must be marked on the list mentioned in rule 16(3)(d) beside the number of the ballot paper to be issued to the voter;
- (c) a mark must be placed in that copy of the register against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against that person's name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, the elector's or, as the case may be, the proxy voter's official poll card must be shown to the presiding officer and only the elector's number is to be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act—

- (a) the reference in paragraph (1)(a) to the copy of the register is to be read as a reference to the copy of the notice, and
- (b) the reference in paragraph (1)(c) to a mark being placed in the copy of the register is to be read as a reference to a mark being made on a copy of the notice.

(4) On receiving the ballot paper, the voter must without delay —

- (a) proceed into a compartment in the polling station and there secretly mark the voter's ballot paper and fold it up so as to conceal the vote, and
- (b) then show to the presiding officer the back of the paper so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presence of the presiding officer.

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(47) See paragraph 2 of Schedule 4 for the offence of personation.

(5) The voter must leave the polling station as soon as the voter has put the ballot paper into the ballot box.

### **Votes marked by presiding officer**

**26.—(1)** The presiding officer on the application of a voter —

- (a) who is incapacitated by blindness or other disability from voting in a manner directed by these Rules; or
- (b) who declares orally an inability to read,

must, in the presence of the polling agents (if any), cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of every voter whose vote is marked in pursuance of this rule, and the reason why it was so marked, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

(3) For the purposes of paragraph (2), in the case of a person voting as proxy for an elector, the number to be entered, together with the voter's name, is the elector's number.

(4) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the reference in paragraph (2) to the voter's number on the register is to be read as a reference to the number relating to the voter on the notice.

### **Voting by persons with disabilities**

**27.—(1)** If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other disability; or
- (b) inability to read,

to vote with the assistance of another person by whom the voter is accompanied (in these Rules referred to as "the companion"), the presiding officer must require the voter to declare, orally or in writing, whether the voter is so incapacitated by blindness or other disability, or by an inability to read, as to be unable to vote without assistance.

(2) If the presiding officer —

- (a) is satisfied that the voter is so incapacitated; and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as "the companion's declaration") that the companion—
  - (i) is a qualified person within the meaning of these Rules; and
  - (ii) has not previously assisted more than one voter with disabilities to vote in the referendum,

the presiding officer must grant the application.

(3) Where an application is granted under paragraph (2), anything which is by these Rules required to be done to or by that voter in connection with the giving of the voter's vote may be done to, or with the assistance of, the companion.

(4) The name and number in the register of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as "the assisted voters list") and, in the case of a person voting as proxy for an elector, the number to be entered is the elector's number.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the reference in paragraph (4) to the voter's number on the register is to be read as a reference to the number relating to the voter on the notice .

- (6) The declaration made by the companion —
  - (a) must be in the form M set out in Schedule 6;
  - (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion; and
  - (c) must forthwith be given to the presiding officer who must attest and retain it.
- (7) No fee or other payment may be charged in respect of the declaration.
- (8) For the purpose of this rule —
  - (a) a person is a voter with disabilities if that person has made such a declaration as is mentioned in paragraph (1); and
  - (b) a person is qualified to assist a voter with disabilities to vote, if that person is either —
    - (i) a person who is entitled to vote as an elector in the referendum; or
    - (ii) the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the voter with disabilities and has attained the age of 18 years.

### **Tendered ballot papers**

- 28.**—(1) Paragraph (6) applies if any of the situations A to D in this rule exist.
- (2) Situation A exists if a person, claiming to be —
  - (a) a particular elector named on the register and not named in the postal voters list; or
  - (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,applies for a ballot paper after another person has voted in person either as that elector or as that elector's proxy.
- (3) Situation B exists if —
  - (a) a person applies for a ballot paper claiming to be a particular elector named on the register;
  - (b) that person is also named in the postal voters list; and
  - (c) that person claims —
    - (i) no application to vote by post at the referendum was made by that person; and
    - (ii) the person is not an existing postal voter within the meaning of paragraph 2(2) of Schedule 1.
- (4) Situation C exists if —
  - (a) a person applies for a ballot paper claiming to be a particular person named as a proxy in the list of proxies;
  - (b) that person is also named in the proxy postal voters list; and
  - (c) that person claims that —
    - (i) no application to vote by post as proxy was made by that person; and
    - (ii) the person is not an existing proxy to whom paragraph 6(4) of Schedule 1 applies.
- (5) Situation D exists if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper —
  - (a) a person claims to be —
    - (i) a particular elector named on the register who is also named in the postal voters list; or

(ii) a particular person named as proxy in the list of proxies who is also named in the proxy postal voters list; and

(b) that person claims that the person has lost or not received the postal ballot paper.

(6) Where this paragraph applies, the person is entitled in accordance with this rule, on satisfactorily answering the questions permitted by rule 23 to be asked at the poll, to mark a ballot paper ( a “tendered ballot paper”) in the same manner as any other voter.

(7) A tendered ballot paper must —

(a) be of a colour different from the other ballot papers; and

(b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the presiding officer with the name of the voter and the voter’s number in the register; and

(c) be set aside in a separate packet.

(8) The name and number on the register of every voter whose vote is marked under this rule must be entered on a list (in these Rules referred to as “the tendered votes list”).

(9) In the case of a person voting as proxy for an elector the number to be endorsed or entered on the tendered votes list together with the voter’s name is to be the number of that elector.

(10) In the case of an elector who has an anonymous entry in the register —

(a) in paragraphs (7)(b) and (8), the references to the voter’s name are to be ignored, and

(b) otherwise in this rule, a reference to a person named in the register or list is to be construed as a reference to a person whose number appears in the register or list (as the case may be).

(11) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act —

(a) references in this rule to a person named on the register are to be read as references to a person in respect of whom such a notice has been issued; and

(b) the references in paragraphs (7)(b) and (8) to the voter’s number on the register are to be read as references to the number relating to the voter on the notice.

### Spoilt ballot papers

**29.—(1)** A voter who has inadvertently dealt with a ballot paper in such a manner that it cannot be conveniently used as a ballot paper may —

(a) by returning it to the presiding officer; and

(b) proving to the presiding officer’s satisfaction the fact of inadvertence,

obtain another ballot paper (in these Rules referred to as “the replacement ballot paper”) in place of the ballot paper so returned (in these Rules referred to as “the spoilt ballot paper”).

(2) The spoilt ballot paper must be immediately cancelled.

### Correction of errors on the day of the poll

**30.** The presiding officer must keep a list (in these Rules referred to as “the polling day alterations list”) of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll at the referendum.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

### Adjournment of poll in case of riot

**31.—(1)** Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings to the following day and must forthwith inform the counting officer.

- (2) Where the poll is adjourned at any polling station —
  - (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
  - (b) references in these Rules to the close of the poll are to be construed accordingly.

### Procedure on close of poll

**32.—(1)** As soon as practicable after the close of the poll, the presiding officer must in the presence of any polling agents, make up into separate packets, sealed with the presiding officer's own seal and the seals (if any) of such polling agents as desire to affix their seals —

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and the list of proxies;
- (e) the corresponding number list, including the parts that were completed in accordance with rule 25(1)(b) (together referred to in these Rules as "the completed corresponding number lists");
- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the assisted voters list, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads "disability" and "unable to read", the polling day alterations list and the companion's declarations.

(2) The marked copies of the register (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(3) As soon as practicable after making up and sealing the packets referred to in paragraph (1), the presiding officer must —

- (a) personally deliver those packets; or
- (b) cause them to be delivered in accordance with arrangements approved by the counting officer,

to the counting officer to be taken charge of by the counting officer.

(4) The packets must be accompanied by a separate statement (in these Rules referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to the presiding officer and accounting for them under the following heads —

- (a) ballot papers issued and not otherwise accounted for;
- (b) unused ballot papers;
- (c) spoilt ballot papers; and
- (d) tendered ballot papers.

## PART 5

### The count

#### Time of, and attendance at, the count

33.—(1) The counting officer must —

- (a) make arrangements for counting the votes in the presence of any counting agents as soon as practicable after the close of the poll; and
- (b) give to the counting agents notice in writing —
  - (i) of the time and place at which the proceedings described in rule 34(1) will begin;
  - (ii) in the case where the power conferred by rule 34(2) is exercised, of the time and place at which the counting officer will count the votes following completion of proceedings under rule 34(1); and
  - (iii) in the case of a direction under paragraph (2), of the time and place at which the counting officer will count the votes following completion of proceedings under rule 34(1).

(2) The Chief Counting Officer may, in writing, direct each counting officer that the counting of votes (as provided for in rule 34(4)) must not begin before such time between the hours of 9 a.m. and noon on the day following the close of the poll as is specified in the direction.

(3) A direction under paragraph (2) must be given to each counting officer not later than the twenty-eighth day before the day of the poll.

(4) Where a direction is given under paragraph (2), then during the period beginning with the completion of the proceedings under rule 34(1) and ending with the time specified in the direction, the counting officer must —

- (a) place the ballot papers and other documents relating to the counting officer's area under the counting officer's own seal and the seals (if any) of such of the counting agents as desire to affix their seals, and
- (b) otherwise take reasonable precautions for the security of the papers and documents.

(5) No person other than —

- (a) the counting officer and the counting officer's staff;
- (b) the Chief Counting Officer, a Deputy Chief Counting Officer and the Chief Counting Officer's staff;
- (c) the referendum agents;
- (d) the counting agents; and
- (e) persons who are entitled to attend by virtue of sections 6A to 6D of the 2000 Act,

may be present at the proceedings under rule 34(1) or at the counting of the votes unless permitted by the counting officer.

(6) A person not entitled to attend at the proceedings under rule 34(1) or at the counting of the votes may be permitted to do so by the counting officer if the counting officer —

- (a) is satisfied that the efficient counting of the votes will not be impeded, and
- (b) has either consulted the referendum agents (if any) or thought it impracticable to do so.

(7) The counting officer must give the counting agents such reasonable facilities for overseeing the proceedings under rule 34(1) and the counting of the votes, and such information with respect to them, as the counting officer can give them consistent with the orderly conduct of those matters and the discharge of the counting officer's duties in connection with them.

(8) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting agents are entitled to satisfy themselves that the ballot papers are correctly sorted.

### The count

**34.—(1)** The counting officer must —

- (a) in the presence of the counting agents (if any) open each ballot box and count and record the number of ballot papers in each box,
- (b) in the presence of the referendum agents (if any) verify each ballot paper account, and
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted.

(2) The counting officer may decide that the proceedings described in paragraph (1) may be undertaken at a different place (or at different places) than the place at which the votes given on ballot papers are counted.

(3) If the power in paragraph (2) is exercised then, during the period beginning with the completion of the proceedings under paragraph (1) and ending with the commencement of proceedings described in paragraph (4), the counting officer must —

- (a) place the ballot papers and other documents relating to the referendum under the counting officer's own seal and the seals (if any) of such counting agents as desire to affix their seals, and
- (b) otherwise take reasonable precautions for the security of the papers and documents.

(4) Subject to paragraphs (2) and (3) and any direction under rule 33(2) following completion of the proceedings described in paragraph (1), the counting officer must count the votes given on the ballot papers after —

- (a) in the case of duly returned postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
- (b) in the case of the ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

(5) A postal ballot paper is not to be taken to be duly returned unless —

- (a) before the close of the poll the postal ballot paper and the postal voting statement are—
  - (i) returned by hand or post and reach the counting officer; or
  - (ii) returned by hand and reach a polling station in the same voting area as that for which the counting officer is appointed; and
- (b) the postal voting statement has been duly signed and also states the date of birth of the elector or, as the case may be, the proxy; and
- (c) in a case where the counting officer, in accordance with paragraph 20 or, as the case may be, 21 of Schedule 2, takes steps to verify the date of birth or signature (or both) of the elector or, as the case may be, the proxy, the counting officer so verifies that date of birth or signature.

(6) The presiding officer of a polling station must deliver or cause to be delivered any postal ballot paper or postal voting statement returned to that polling station to the counting officer in the same manner and at the same time as the presiding officer delivers, or causes to be delivered, the packets referred to in rule 32.

(7) The counting officer may collect, or cause to be collected, any postal ballot paper or postal voting statement which by virtue of paragraph (6) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to the counting officer.

(8) Where the counting officer collects, or causes to be collected, any postal ballot paper or postal voting statement in accordance with paragraph (7) the presiding officer must first make it (or them) up into a packet (or packets) sealed with the presiding officer's own seal and the seals (if any) of such counting agents as desire to affix their seals.

(9) The counting officer must not count any tendered ballot paper.

(10) The counting officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all reasonable precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(11) The counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by the counting officer, and the unused and spoilt ballot papers in the counting officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting agent present at the verification may copy; but where the power conferred by paragraph (2) is exercised in respect of more than one place a statement must be drawn up in respect of each such place.

(12) The counting officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the counting officer may, with the agreement of the counting agents, exclude the whole or any part of the period between 7 p.m. and 9 a.m. on the next day.

(13) For the purposes of paragraph (12), the agreement of a referendum agent is as effective as the agreement of that referendum agent's counting agents.

(14) During the time so excluded the counting officer must —

- (a) place the ballot papers and other documents relating to the referendum under the counting officer's own seal and the seals (if any) of such counting agents as desire to affix their seals; and
- (b) otherwise take reasonable precautions for the security of the papers and documents.

(15) As soon as practicable after completion of the statement (or as the case may be each statement) under paragraph (11), the counting officer must inform the Chief Counting Officer of its contents.

### **Rejected ballot papers**

**35.—(1)** Any ballot paper —

- (a) which does not bear the official mark; or
- (b) on which a vote is given for both answers to the question asked in the referendum; or
- (c) on which anything is written or marked by which the voter can be identified (except the printed number and other unique identifying mark on the back ); or
- (d) which is unmarked or void for uncertainty,

is, subject to the provisions of paragraph (2), void and not to be counted.

(2) A ballot paper on which the vote is marked —

- (a) elsewhere than in the proper place; or
- (b) otherwise than by means of a cross; or
- (c) by more than one mark,

is not for such a reason to be deemed void if an intention that the vote is for one or the other of the answers clearly appears, and the way the paper is marked does not of itself identify the voter and it is not shown that the voter can be identified by it.

(3) The counting officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if an objection is made by a counting agent to the counting officer’s decision.

(4) The counting officer must draw up a statement showing the number of ballot papers rejected under the several heads of —

- (a) want of official mark;
- (b) voting for both answers;
- (c) writing or mark by which the voter could be identified; and
- (d) unmarked or void for uncertainty.

(5) As soon as practicable after completion of the statement under paragraph (4), the counting officer must inform the Chief Counting Officer of its contents.

### **Decisions on ballot papers**

**36.** The decision of the counting officer on any question arising in respect of a ballot paper is, subject to review in accordance with paragraph 12 of Schedule 6 to the 2006 Act, final.

### **Counting officer’s re-count**

**37.—(1)** A person within paragraph (2) who is present at the completion of the counting (including any re-count) of the votes in a voting area may require the counting officer to have the votes re-counted (including again re-counted), but the counting officer may refuse to do so if in the counting officer’s opinion the request is unreasonable.

(2) The persons within this paragraph are —

- (a) referendum agents; and
- (b) designated counting agents.

(3) No step is to be taken on the completion of the counting (including any re-count) of votes until the persons within paragraph (2) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

(4) A counting officer must not conduct a re-count under this rule once a direction has been given by the Chief Counting Officer under rule 39(1).

### **Chief Counting Officer’s re-count**

**38.—(1)** As soon as practicable after the conclusion of the count (which includes any re-count under rule 37 or any re-count directed under this rule), the counting officer must draw up a statement showing —

- (a) the total number of ballot papers counted by the counting officer; and
- (b) the number of votes cast in favour of each answer to the question asked in the referendum.

(2) As soon as practicable after completion of that statement, the counting officer must inform the Chief Counting Officer of its contents.

(3) Once the Chief Counting Officer has received the report of a counting officer on the contents of the statements prepared by that counting officer under —

- (a) paragraph (1);

- (b) rule 34(11); and
- (c) rule 35(4),

the Chief Counting Officer may direct that counting officer to re-count (or again re-count) the votes.

(4) The Chief Counting Officer may only give a direction under paragraph (3) if the Chief Counting Officer thinks that there is reason to doubt the accuracy of the counting of the votes in the counting officer's area.

(5) A counting officer must proceed with a re-count as soon as practicable after receipt of the Chief Counting Officer's direction, and if not proceeding immediately, must notify the counting agents entitled to be present at the re-count of the time and place at which the counting officer will begin to re-count the votes.

## PART 6

### Final proceedings

#### **Counting officer's certification and declaration**

**39.**—(1) When the Chief Counting Officer has determined that it is appropriate to do so, the Chief Counting Officer must direct a counting officer to —

- (a) make the certification for the referendum under section 128(5) of the 2000 Act in the form N set out in Schedule 6; and
- (b) provide final versions of the counting officer's statements of —
  - (i) the verification of ballot paper accounts under rule 34(11); and
  - (ii) rejected ballot papers under rule 35(4).

(2) The counting officer, having made such certification, must —

- (a) forthwith give the Chief Counting Officer notice of the matters so certified, and
- (b) as soon as reasonably practicable give the Chief Counting Officer notice of the number of rejected ballot papers under each head shown on the final statement of rejected ballot papers.

(3) When authorised by the Chief Counting Officer to do so, the counting officer must —

- (a) make a public declaration of the matters so certified, and
- (b) give public notice in writing of the matters so certified together with the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(4) A counting officer may not make the certification under section 128(5) of the 2000 Act until directed to do so under paragraph (1)(a).

#### **Chief Counting Officer's certification and declaration of result of referendum**

**40.**—(1) The Chief Counting Officer, having made the certification for the referendum under section 128(6) of the 2000 Act in the form O set out in Schedule 6, must —

- (a) forthwith make a public declaration of the matters so certified, and
- (b) as soon as practicable give public notice in writing of the matters so certified together with the number of rejected ballot papers under each head shown in the final statements of rejected ballot papers.

(2) At the same time as the Chief Counting Officer gives the public notice required under paragraph (1)(b), the Chief Counting Officer is to send a copy of that notice to —

- (a) the Welsh Ministers, and
- (b) the Secretary of State.

## PART 7

### Disposal of documents

#### **Sealing up of ballot papers**

**41.—(1)** As soon as reasonably practicable after the Chief Counting Officer has directed a counting officer under rule 39(1), the counting officer must seal up in separate packets —

- (a) the counted ballot papers; and
  - (b) the rejected ballot papers.
- (2) The counting officer must not open the sealed packets of —
- (a) tendered ballot papers;
  - (b) the completed corresponding numbers lists;
  - (c) the certificates as to employment on duty on the day of the poll; or
  - (d) marked copies of the register (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and list of proxies.

#### **Delivery of documents to relevant registration officer**

**42.—(1)** After sealing the papers in accordance with rule 41, the counting officer must send the documents mentioned in paragraph (2) to the relevant registration officer endorsing on each packet —

- (a) a description of its contents;
  - (b) the date of the referendum; and
  - (c) the name of the voting area to which the packets relate.
- (2) The documents are —
- (a) the packets of ballot papers in the counting officer's possession;
  - (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of ballot paper accounts;
  - (c) the tendered votes lists, the assisted voters lists, the lists of votes marked by the presiding officer and the related statements, the polling day alterations lists and the companion declarations;
  - (d) the packets of completed corresponding number lists;
  - (e) the packets of the certificates as to employment on duty on the day of the poll; and
  - (f) the packets containing marked copies of the registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of lists of proxies and of the proxy postal voters list.
- (3) In this rule, references to the relevant registration officer are to the registration officer of the council of the county or, as the case may be, county borough in which the votes counted by the counting officer have been cast.

## Orders for production of documents

**43.—(1)** An order —

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer;
- (b) for the opening of a sealed packet of the completed corresponding number lists or of the certificates as to employment on duty on the day of the poll; or
- (c) for the inspection of any counted ballot papers in the custody of the relevant registration officer,

may be made by the High Court or a county court if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of proceedings brought as mentioned in paragraph 12 of Schedule 6 to the 2006 Act.

**(2)** An order under this rule may be made subject to such conditions as to —

- (a) persons;
- (b) time;
- (c) place and mode of inspection; or
- (d) production or opening,

as the court making the order may think expedient.

**(3)** In making and carrying into effect an order for the opening of a sealed packet referred to in paragraph (1)(b) or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular voter has been given is not disclosed until it has been proved —

- (a) that the person's vote was given; and
- (b) that the vote has been declared by a competent court to be invalid.

**(4)** An appeal lies to the High Court from any order of a county court under this rule.

**(5)** Any power given under this rule to the High Court, or to a county court, may be exercised by any judge of the court otherwise than in open court.

**(6)** Where an order is made for the production by the relevant registration officer of any document in that officer's possession relating to the referendum —

- (a) the production by the relevant registration officer or by the agent of that officer of the document ordered in such a manner as may be directed by that order is conclusive evidence that the document relates to the referendum; and
- (b) any endorsement on any packet of ballot papers so produced is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

**(7)** The production from proper custody of —

- (a) a ballot paper purporting to have been used in the referendum; and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

is prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry in the register (or on a notice issued under section 13B(3B) or (3D) of the 1983 Act) at the time of the referendum contained the same number as the number written as mentioned in sub-paragraph (b).

**(8)** Except in accordance with this rule, no person may inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of the certificates as to employment on duty on the date of the referendum.

## Retention and public inspection of documents

**44.—(1)** The relevant registration officer must retain for one year all documents relating to the referendum forwarded to that officer by virtue of rule 42 and then, unless directed by order of the High Court, the Crown Court or a magistrates' court, must cause them to be destroyed.

**(2)** Except in the case of the documents to which paragraph (3) applies, while documents are retained under paragraph (1) they must be open to public inspection.

**(3)** The documents to which this paragraph applies are —

- (a) ballot papers;
- (b) the completed corresponding number lists; and
- (c) certificates as to employment on duty on the day of the poll.

**(4)** The relevant registration officer must, on request, supply to any person copies of or extracts from any description of the documents open to public inspection under Part 7 of the 2001 Regulations as modified in relation to the referendum by Schedule 5 (“the modified Part 7 Regulations”).

**(5)** A right to inspect or to be supplied with a document or part of a document under this rule is subject to —

- (a) any condition imposed by the modified Part 7 Regulations; and
- (b) the payment of any fee required by the modified Part 7 Regulations.

## SCHEDULE 4

Article 26

### OFFENCES

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### **Offences relating to applications for postal and proxy votes**

- 1.—(1) A person who provides false information in connection with an application to which any of paragraphs 3, 5(8) or 6(6) or (7) of Schedule 1 applies is guilty of an offence.
  - (2) For the purposes of sub-paragraph (1), “false information” means a signature which—
    - (a) is not the usual signature of, or
    - (b) was written by a person other than,  
the person whose signature it purports to be.
  - (3) A person does not commit an offence under sub-paragraph (1) if the person did not know, and had no reason to suspect, that the information was false.
  - (4) Where sufficient evidence is adduced to raise an issue with respect to the defence under sub-paragraph (3), the court is to assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
  - (5) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to—
    - (a) imprisonment for a term not exceeding 51 months; or
    - (b) a fine not exceeding level 5 on the standard scale,or both.
  - (6) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003(48), the reference in sub-paragraph (5)(a) to 51 weeks must be taken to be a reference to six months.
  - (7) A person (P) commits an offence if P—
    - (a) engages in an act specified in sub-paragraph (8) in the referendum; and
    - (b) intends, by doing so, to deprive another of an opportunity to vote or to make for P or another a gain of a vote to which P or the other is not otherwise entitled or a gain of money or property.

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(48) 2003 c. 44.

(8) These are the acts—

- (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
- (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
- (c) inducing the registration officer or counting officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
- (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.

(9) In sub-paragraph (7)(b), property includes any description of property.

(10) In sub-paragraph (8) a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).

(11) A person who commits an offence under sub-paragraph (7) or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.

(12) A person who—

- (a) in any declaration or form used for any of the purposes of Parts 1 and 2 of Schedule 1, makes a statement knowing it to be false; or
- (b) attests an application under paragraph 3, 5(8) or 6(6) or (7) of that Schedule knowing—
  - (i) that the person is not authorised to do so; or
  - (ii) that it contains statement which is false,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## Personation

2.—(1) A person is guilty of a corrupt practice if the person commits, or aids, abets, counsels or procures the commission of, the offence of personation.

(2) A person (P) is to be deemed guilty of personation in the referendum if P —

- (a) votes in person or by post as some other person, whether as an elector or as proxy, and whether that other person is living or dead or is a fictitious person; or
- (b) votes, as proxy, in person or by post —
  - (i) for a person whom P knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or
  - (ii) when P knows or has reasonable grounds for supposing that P's appointment as proxy is no longer in force.

(3) For the purposes of this paragraph, a person who has applied for a ballot paper for the purpose of voting in person or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, is deemed to have voted.

(4) Section 24A of the Police and Criminal Evidence Act 1984([49](#)) (arrest without warrant: other persons) does not permit a person other than a constable to arrest, inside a polling station, a person who commits or is suspected of committing an offence under the preceding provisions of this paragraph.

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(49) Section 24A of the Police and Criminal Evidence Act 1984 ([c.60](#)) was inserted by section 110(1) of the Serious Organised Crime and Police Act 2005 ([c.15](#)). There is an amendment to section 24A which is not relevant to this Order.

## Other voting offences

3.—(1) A person (P) is guilty of an offence if P —

- (a) votes in person or by post in the referendum, whether as an elector or as proxy, or applies to vote by proxy or by post as an elector in the referendum knowing that P is subject to a legal incapacity to vote in the referendum; or
- (b) applies for the appointment of a proxy to vote for P in the referendum knowing that P or the person to be appointed is subject to a legal incapacity to vote in the referendum; or
- (c) votes, whether in person or by post, as proxy for some other person in the referendum, knowing that the other person is subject to a legal incapacity to vote.

(2) For the purposes of sub-paragraph (1), references to a person being subject to a legal incapacity to vote do not, in relation to things done before the day of the poll, include the person being below voting age if the person will be of voting age on that date.

(3) A person (P) is guilty of an offence if P —

- (a) votes as an elector otherwise than by proxy more than once in the referendum;
- (b) votes as an elector in person in the referendum when P is entitled to vote by post;
- (c) votes as an elector in person in the referendum, knowing that a person appointed to vote as P's proxy in the referendum either has already voted in person in the referendum or is entitled to vote by post in the referendum; or
- (d) applies for a person to be appointed as P's proxy to vote for P in the referendum without applying for the cancellation of a previous appointment of a third person then in force in respect of the referendum or without withdrawing a pending application for such an appointment in respect of the referendum.

(4) A person (P) is guilty of an offence if P —

- (a) votes as proxy for the same elector more than once in the referendum;
- (b) votes in person as proxy for an elector in the referendum when P is entitled to vote by post as proxy in the referendum for that elector; or
- (c) votes in person as proxy for an elector in the referendum knowing that the elector has already voted in person in the referendum.

(5) A person (P) is guilty of an offence if P votes in the referendum as proxy for more than two persons of whom P is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

(6) A person (P) is guilty of an offence if P knowingly induces or procures some other person to do an act which is, or but for that other person's want of knowledge would be, an offence by that other person under the foregoing provisions of this paragraph.

(7) For the purposes of this paragraph a person who has applied for a ballot paper for the purpose of voting in person, or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, is deemed to have voted, but for the purpose of determining whether an application for a ballot paper constitutes an offence under sub-paragraph (5), a previous application made in circumstances which entitle the applicant only to mark a tendered ballot paper is, if the person does not exercise that right, to be disregarded.

(8) A person is not guilty of an offence under sub-paragraph (3)(b) or (4)(b) only by reason of the person's having marked a tendered ballot paper in reliance on situations B, C or D in rule 28 of the Referendum Rules.

(9) An offence under this paragraph is an illegal practice, but the court before whom a person is convicted of any such offence may, if the court thinks it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of paragraph 25.

### Breach of official duty

4.—(1) If a person to whom this paragraph applies is, without reasonable cause, guilty of any act or omission in breach of the person’s official duty, the person is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) No person to whom this paragraph applies is liable, for breach of that person’s official duty, to any penalty at common law and no action for damages lies in respect of the breach by such a person of the person’s official duty.

(3) The persons to whom this paragraph applies are —

- (a) the Chief Counting Officer, a Deputy Chief Counting Officer and any counting officer;
- (b) any presiding officer or registration officer;
- (c) any official designated by a universal postal service provider;
- (d) any deputy of a person mentioned in sub-paragraph (a) to (c); and
- (e) any person (“A”) appointed to assist or, in the course of A’s employment , assisting a person (“P”) mentioned in sub-paragraphs (a) to (c) in connection with P’s official duties, and “official duty” for the purpose of this paragraph is to be construed accordingly, but does not include duties imposed otherwise than by this Order or the law relating to referendums.

(4) Where —

- (a) the Chief Counting Officer, a Deputy Chief Counting Officer or a counting officer is guilty of an act or omission in breach of that officer’s official duty; but
- (b) the officer remedies that act or omission in full by taking steps under paragraph (1) of article 12, the officer is not guilty of an offence under sub-paragraph (1).

(5) Sub-paragraph (4) does not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.

### Tampering with ballot papers etc.

5.—(1) A person (P) is guilty of an offence if, in the referendum, P—

- (a) fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper, or any postal voting statement or official envelope used in connection with voting by post;
- (b) without due authority, supplies any ballot paper to any person;
- (c) fraudulently puts into any ballot box any paper other than the ballot paper which P is authorised by law to put in;
- (d) fraudulently takes out of the polling station any ballot paper;
- (e) without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the referendum; or
- (f) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.

(2) If the Chief Counting Officer, a Deputy Chief Counting Officer, a counting officer, a presiding officer or a clerk appointed to assist in taking the poll, counting the votes or assisting at the proceedings in connection with the issue or receipt of postal ballot papers in the referendum, is guilty of an offence under this paragraph, the officer or clerk is liable —

- (a) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding 2 years, or to both; or

- (b) on summary conviction, to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding 6 months, or to both.
- (3) If any other person is guilty of an offence under this paragraph the person is liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 6 months, or to both.
- (4) In relation to an offence committed under sub-paragraph (2) after the commencement of section 154(1) of the Criminal Justice Act 2003, the reference in sub-paragraph (2)(b) to 6 months is to be read as a reference to 12 months.
- (5) In relation to an offence committed under sub-paragraph (3) after the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in sub-paragraph (3) to 6 months is to be read as a reference to 51 weeks.

### **Requirement of secrecy**

- 6.—(1) The following persons attending at a polling station ,namely—
- (a) the Chief Counting Officer, a Deputy Chief Counting Officer or a counting officer;
  - (b) a deputy of a counting officer;
  - (c) a presiding officer or clerk;
  - (d) a referendum agent;
  - (e) a polling agent; and
  - (f) any person so attending by virtue of any of sections 6A to 6D of the 2000 Act, must maintain and aid in maintaining the secrecy of voting in the referendum and must not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to —
  - (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
  - (ii) the number on the register of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
  - (iii) the official mark on any ballot paper.
- (2) A person attending at the counting of the votes must maintain and aid in maintaining the secrecy of voting and must not —
- (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper; or
  - (b) communicate any information obtained at the counting of the votes as to the referendum answer for which any vote is given on any particular ballot paper.
- (3) A person must not —
- (a) interfere with or attempt to interfere with a voter when recording the voter's vote;
  - (b) otherwise obtain or attempt to obtain in a polling station information as to the referendum answer for which a voter in that station is about to vote or has voted;
  - (c) communicate at any time to any person any information obtained in a polling station as to the referendum answer for which a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station; or
  - (d) directly or indirectly induce a voter to display a ballot paper after the voter has marked it so as to make known to any person the referendum answer for which the voter has or has not voted.

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(4) A person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post in the referendum must maintain and aid in maintaining the secrecy of the voting and must not —

- (a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
- (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or
- (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper sent to any person; or
- (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the referendum answer for which any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

(5) A person having undertaken to assist a voter with disabilities to vote must not communicate at any time to any person any information as to the referendum answer for which that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.

(6) If a person acts in contravention of this paragraph the person is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

(7) In relation to an offence committed after the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in sub-paragraph (6) to 6 months is to be read as a reference to 51 weeks.

(8) In this paragraph a voter with disabilities is a voter who has made a declaration under rule 27(1) of the Referendum Rules.

### **Prohibition on publication of exit polls**

7.—(1) No person may publish before the close of the poll —

- (a) any statement relating to the way in which voters have voted in the referendum where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted; or
- (b) any forecast as to the result of the referendum which is (or might reasonably be taken to be) based on information so given.

(2) If a person acts in contravention of this sub-paragraph (1) the person is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale.

(3) In relation to an offence committed after the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in sub-paragraph (2) to 6 months is to be read as a reference to 51 weeks.

(4) In this paragraph —

“forecast” includes estimate;

“publish” means make available to the public at large (or any section of the public), in whatever form and by whatever means; and

the reference to a forecast as to the result of the referendum includes a reference to a forecast as the number or proportion of votes expected to be cast for each answer to the referendum question in any voting area or any other area.

## Broadcasting from outside the United Kingdom

**8.—(1)** No person may, with intent to influence persons to give or refrain from giving their votes in the referendum, include, or aid, abet, counsel or procure the inclusion of, any matter relating to the referendum in any programme service (within the meaning of the Broadcasting Act 1990(**50**)) provided from a place outside the United Kingdom otherwise than in pursuance of arrangements made with —

- (a) the British Broadcasting Corporation;
- (b) Sianel Pedwar Cymru; or
- (c) the holder of any licence granted by the Office of Communications,

for the reception and re-transmission of that matter by that body or the holder of that licence.

**(2)** An offence under this paragraph is an illegal practice, but the court before which a person is convicted of an offence under this paragraph may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of paragraph 25.

**(3)** Where any act or omission of an association or body of persons, corporate or unincorporate, is an illegal practice under this paragraph, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, is to be deemed guilty of the illegal practice, unless that person proves —

- (a) that the act or omission took place without that person's consent or connivance; and
- (b) that the person exercised all such diligence to prevent the commission of the illegal practice as the person ought to have exercised having regard to the nature of that person's functions in that capacity and to all the circumstances.

## Imitation poll cards

**9.** No person may for the purpose of promoting or procuring a particular result in the referendum issue any poll card or document so closely resembling an official poll card as to be calculated to deceive, and sub-paragraphs (2) and (3) of paragraph 8 apply as if an offence under this paragraph were an offence under that paragraph.

## Disturbances at meetings

**10.—(1)** A person who at a lawful public meeting to which this paragraph applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together is guilty of an illegal practice.

**(2)** This paragraph applies to a meeting held in Wales by a permitted participant during the referendum period in connection with the referendum.

**(3)** If a constable reasonably suspects any person (P) of committing an offence under sub-paragraph (1), the constable may, if requested so to do by the chairman of the meeting, require P to declare immediately to the constable P's name and address and, if P refuses or fails so to declare P's name and address or gives a false name and address, P is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

## Officials not to act for permitted participants

**11.—(1)** If —

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(**50**) [1990 c.42](#). See section 201 of the Broadcasting Act 1990 for the meaning of programme service. Section 201 has been amended by the Communications Act [2003 \(c.21\)](#), section 360(1)(a) and (b) and (2) and Schedule 19(1).

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- (a) the Chief Counting Officer, a Deputy Chief Counting Officer, or any counting officer;
  - (b) any officer, deputy or clerk appointed by a counting officer; or
  - (c) any officer of a county or county borough council whose services have been placed at the disposal of a counting officer under section 128 of the 2000 Act,
- acts as a referendum agent for a permitted participant, that person is guilty of an offence.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### **Illegal canvassing by police officers**

**12.**—(1) No member of a police force may by word, message, writing or in any other manner, endeavour to persuade any person to give, or dissuade any person from giving, that person's vote, whether as an elector or as proxy in the referendum, in a voting area wholly or partly within the police area.

(2) A person acting in contravention of sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale; but nothing in that sub-paragraph subjects a member of a police force to any penalty for anything done in the discharge of that member's duty as a member of the force.

### **Payments for exhibition of referendum notices**

**13.**—(1) No payment or contract for payment may, for the purpose of promoting or procuring a particular result in the referendum, be made to a voter on account of the exhibition of, or the use of any house, land, building or premises for the exhibition of, any address, bill or notice, unless —

- (a) it is the ordinary business of the voter as an advertising agent to exhibit for payment bills and advertisements; and
- (b) the payment or contract is made in the ordinary course of that business.

(2) If any payment or contract for payment is knowingly made in contravention of this paragraph, whether before, during or after the referendum —

- (a) the person making the payment or contract; and
- (b) if such other person knew it to be in contravention of this Order, any person receiving the payment or being a party to the contract,

is guilty of an illegal practice.

### **Prohibition of paid canvassers**

**14.** If a person is, whether before, during or after the referendum, engaged or employed for payment or promise of payment as a canvasser for the purpose of promoting or procuring a particular result in the referendum —

- (a) the person so engaging or employing the canvasser; and
- (b) the canvasser,

is guilty of illegal employment.

### **Providing money for illegal purposes**

**15.** If a person knowingly provides money —

- (a) for any payment which is contrary to the provisions of this Schedule; or
- (b) for replacing any money expended in any such payment,

except where the payment may have been previously allowed in pursuance of paragraph 21 to be an exception, that person is guilty of an illegal payment.

## Bribery

- 16.—(1) A person is guilty of a corrupt practice if the person is guilty of bribery.
- (2) A person (P) is guilty of bribery in the referendum if P, directly or indirectly, personally or by any other person on P's behalf —
- (a) gives any money or procures any office —
    - (i) to or for any voter;
    - (ii) to or for any other person on behalf of any voter; or
    - (iii) to or for any other person,  
in order to induce any voter to vote or refrain from voting,
  - (b) corruptly does any such act as mentioned above on account of any voter having voted or refrained from voting, or
  - (c) makes any such gift or procurement as mentioned above to or for any person in order to induce that person to procure, or endeavour to procure a particular result in the referendum or the vote of any voter,
- or if upon or in consequence of any such gift or procurement as mentioned above P procures or engages, promises or endeavours to procure a particular result in the referendum or the vote of any voter.
- (3) For the purposes of paragraph (2) —
- (a) references to giving money include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure any money or valuable consideration; and
  - (b) references to procuring any office include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure any office, place or employment.
- (4) A person is guilty of bribery if that person —
- (a) advances or pays or causes to be paid any money to or for the use of any other person with the intent that that money or any part of it is to be expended in bribery in the referendum, or
  - (b) knowingly pays or causes to be paid any money to any other person in discharge or repayment of any money wholly or in part expended in bribery in the referendum.
- (5) The foregoing provisions of this paragraph do not apply and are not to be construed to apply to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith in or concerning the referendum.
- (6) A voter (V) is guilty of bribery if, before or during the referendum, directly or indirectly, personally or by any other person on V's behalf receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for V or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.
- (7) A person (P) is guilty of bribery if after the referendum P, directly or indirectly, personally or by any other person on P's behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.
- (8) In this paragraph the expression "voter" includes any person who has or claims to have a right to vote.

## Treating

- 17.**—(1) A person is guilty of a corrupt practice if the person is guilty of treating.
- (2) A person is guilty of treating, if that person corruptly, personally or by any other person, whether before, during or after the referendum, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment or provision to or for any person —
- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or
  - (b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.
- (3) Every elector or proxy of that elector who corruptly accepts or takes any such meat, drink, entertainment or provision is also guilty of treating.

## Undue influence

- 18.**—(1) A person is guilty of a corrupt practice if the person is guilty of undue influence.
- (2) A person (P) is guilty of undue influence —
- (a) if P, directly or indirectly, personally or by any other person on P's behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, personally or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting; or
  - (b) if, by abduction, duress or any fraudulent device or contrivance, P impedes or prevents, or intends to impede or prevent, the free exercise of the franchise of an elector or the proxy for an elector or so compels, induces or prevails upon, or intends so to compel, induce or prevail upon, an elector or the proxy for an elector either to vote or to refrain from voting.

## Interference with notices etc.

- 19.** If any person without lawful authority destroys, mutilates, defaces or removes any notice published by a registration officer in connection with the registration officer's duties under this Order or any copies of a document which have been made available for inspection in pursuance of those duties, that person is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## Offences in contravention of Schedule 1 paragraphs 20 and 21 (Supply of free copy of register etc.)

- 20.**—(1) A person is guilty of an offence—
- (a) if that person contravenes any of the provisions specified in paragraph (2); or
  - (b) if that person is an appropriate supervisor of another person (P) who fails to comply with any of those provisions and that person failed to take appropriate steps.
- (2) Those provisions are paragraphs 20(6) and 21(3) and (15) of Schedule 1 and regulation 92(9) of the 2001 Regulations as applied by paragraph 21(10) of that Schedule.
- (3) P is not guilty of an offence under paragraph (1) if—
- (a) P has an appropriate supervisor; and
  - (b) P has complied with all the requirements imposed on P by that appropriate supervisor.

(4) A person who is not P or an appropriate supervisor is not guilty of an offence under paragraph (1) if that person takes all reasonable steps to ensure that he or she complies with the provisions specified in paragraph (2).

(5) In paragraphs (1)(b) and (3)—

- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
- (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the provisions in paragraph (2).

(6) A person guilty of an offence as mentioned in paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Application for relief**

**21.—(1)** An application for relief under this paragraph may be made to the High Court.

(2) Where a person makes an application under this paragraph that person must notify the Director of Public Prosecutions of the application and the Director or the Director's assistant or representative may attend the hearing of the application and make representations at the hearing in respect of it.

(3) If it is shown to the court by such evidence as to the court seems sufficient —

- (a) that any act or omission of any person would, apart from this paragraph, by reason of being in contravention of this Schedule be an illegal practice, payment or employment;
- (b) that the act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and
- (c) that such notice of the application has been given as the court seems fit,

and under the circumstances it seems to the court to be just that either that or any other person should not be subject to any of the consequences under this Schedule of the act or omission, the court may make an order allowing the act or omission to be an exception from the provisions of this Schedule making it an illegal practice, payment or employment and upon the making of the order no person is to be subject to any of the consequences under this Schedule of that act or omission.

### **Prosecutions for corrupt practices**

**22.—(1)** A person who is guilty of a corrupt practice is liable —

- (a) on conviction on indictment —
  - (i) in the case of a corrupt practice under paragraph 1(11) (offences relating to applications for postal and proxy votes) or 2 (personation) to imprisonment for a term not exceeding two years, or to a fine, or to both;
  - (ii) in any other case, to imprisonment for a term not exceeding one year, or to a fine, or to both; or
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum or to both.

(2) In relation to an offence committed after commencement of section 281(5) of the Criminal Justice Act 2003, the reference in paragraph (1)(b) to 6 months is to be read as a reference to 51 weeks.

## Prosecutions for illegal practice

**23.** A person guilty of an illegal practice is on summary conviction liable to a fine not exceeding level 5 on the standard scale; and on a prosecution for an illegal practice it is sufficient to allege that the person charged was guilty of an illegal practice.

## Conviction of illegal practice on charge of corrupt practice etc.

**24.** A person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice (which offence is for that purpose to be an indictable offence), and a person charged with an illegal practice may be found guilty of that offence notwithstanding that the act constituting the offence amounted to a corrupt practice.

## Incapacities on conviction of corrupt or illegal practice

**25.—(1)** A person to whom this paragraph applies is, during the relevant period specified in sub-paragraph (3), incapable of being registered as an elector or voting at any —

- (a) Assembly election;
- (b) election to the House of Commons;
- (c) election to the European Parliament;
- (d) election to the Scottish Parliament;
- (e) election to the Northern Ireland Assembly;
- (f) local government election; or
- (g) referendum to which Part 7 of the 2000 Act or Part 2 of the Local Government Act 2000<sup>(51)</sup> applies.

(2) This paragraph applies only to a person convicted of a corrupt practice under paragraph 1(11) or paragraph 2 of this Schedule or of an illegal practice under paragraph 3 of this Schedule.

(3) For the purposes of sub-paragraph (1) the relevant period is the period beginning with the date of conviction and ending —

- (a) in the case of a person convicted of a corrupt practice, five years after that date; or
  - (b) in the case of a person convicted of an illegal practice, three years after that date,
- except that if (at any time within that period of five or, as the case may be, three years) a court determines on an appeal by that person against the conviction that it should not be upheld, the relevant period is to end at that time instead.

(4) Any incapacities applying to a person by virtue of the preceding provisions of this paragraph applies in addition to any punishment imposed under paragraph 22 or 23.

## Prosecutions for illegal payments etc.

**26.—(1)** A person guilty of an offence of illegal employment under paragraph 14 or illegal payment under paragraph 15 is, on summary conviction, liable to a fine not exceeding level 5 on the standard scale; and on a prosecution for such an offence it is sufficient to allege that the person charged was guilty of an illegal employment or payment as the case may be.

(2) Any person charged with an offence of illegal employment or payment may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

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<sup>(51)</sup> 2000 c.22.

### Time limit for prosecutions

**27.**—(1) A proceeding against a person in respect of any offence under any provision contained in this Schedule is to be commenced within one year after the offence was committed, and the time so limited by this paragraph is, in the case of any proceedings under the Magistrates' Courts Act 1980(**52**) for any such offence, to be substituted for any limitation of time contained in that Act.

(2) For the purposes of this paragraph the laying of an information is deemed to be the commencement of a proceeding.

(3) A magistrates' court may act under sub-paragraph (4) if it is satisfied on an application by a constable or Crown Prosecutor —

- (a) that there are exceptional circumstances which justify the granting of the application; and
- (b) that there has been no undue delay in the investigation of the offence to which the application relates.

(4) The magistrates' court may extend the time within which the proceedings must be commenced in pursuance of sub-paragraph (1) to not more than 24 months after the offence was committed.

(5) If the magistrates' court acts under sub-paragraph (4), it may also make an order under sub-paragraph (6) if it is satisfied, on an application by a constable or Crown Prosecutor that documents retained by the relevant registration officer in pursuance of rule 44 of the Referendum Rules may provide evidence relating to the offence.

(6) An order under this sub-paragraph is an order —

- (a) directing the relevant registration officer not to cause the documents to be destroyed at the expiry of the period of one year mentioned in rule 44 of the Referendum Rules; and
- (b) extending the period for which the relevant registration officer is required to retain them under that rule by such further period not exceeding 12 months as is specified in the order.

(7) The making of an Order under sub-paragraph (6) does not affect any other power to require the retention of the documents.

(8) An application under this paragraph must be made not more than one year after the offence was committed.

(9) Any party to —

- (a) an application under sub-paragraph (3); or
- (b) an application under sub-paragraph (5),

who is aggrieved by the refusal of the magistrates' court to act under sub-paragraph (4) or to make an order under sub-paragraph (6) (as the case may be) may appeal to the Crown Court.

### Referendum offence punishable summarily

**28.** A prosecution for any offence punishable summarily under this Schedule—

- (a) may be instituted before any magistrates' court in the voting area in which the offence is alleged to have been committed; and
- (b) the offence is to be deemed for all purposes to have been committed within the jurisdiction of that court.

### Prosecution of offences committed outside the United Kingdom

**29.** Proceedings in respect of an offence under this Schedule alleged to have been committed outside the United Kingdom by a Commonwealth citizen or citizen of the Republic of Ireland or a

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(52) 1980 c.43.

relevant citizen of the Union may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

### **Offences by associations**

**30.** Where any corrupt or illegal practice or any illegal payment or employment is committed by any association or body of persons, corporate or unincorporate, the members of the association or body who have taken part in the commission of the offence are liable to any fine or punishment imposed for that offence by this Schedule.

### **Evidence by certificate of electoral registration**

**31.** The certificate of a registration officer that any person is or is not, or was or was not at any particular time, duly registered in the registration officer's register in respect of any address is sufficient evidence of the facts stated in it; and a document purporting to be such a certificate is to be received in evidence and presumed to be such a certificate unless the contrary is proved.

### **Director of Public Prosecutions**

**32.** Where information is given to the Director of Public Prosecutions that any offence under this Schedule has been committed, it is the duty of the Director to make such inquiries and institute such prosecutions as the circumstances of the case appear to the Director to require.

### **Rights of creditors**

**33.** Any provision in this Schedule prohibiting payments and contracts for payments does not affect the right of any creditor who, when the payment or contract was made, was ignorant of that payment or contract being in contravention of this Schedule.

### **Saving**

**34.** Nothing in this Schedule makes it illegal for an employer ("A") to permit voters in the referendum to absent themselves from A's employment for a reasonable time for the purposes of voting at the poll in the referendum without having any deduction from their salaries or wages on account of their absence, if the permission —

- (a) is (so far as practicable without injury to A's business) given equally to all persons alike who are at the time in A's employment;
- (b) is not given with a view to inducing any person to give that person's vote for a particular answer in the referendum; and
- (c) is not refused to any person for the purpose of preventing that person from giving his or her vote for a particular answer in the referendum.

But this paragraph is not to be construed as making illegal any act which would not be illegal apart from this paragraph.

### **Service of notices**

**35.—(1)** Any notice, legal process or other document required to be served on any person with reference to any proceeding respecting the referendum for the purpose of causing that person to appear before the High Court, or a county court or otherwise or of giving that person an opportunity of making a statement, or showing cause, or being heard in person before any court for any purpose of this Schedule may be served—

- (a) by delivering it to that person, or by leaving it at, or sending it by post by a registered letter or by the recorded delivery service to that person's last known place of abode; or
  - (b) if the proceeding is before any court in such other manner as the court may direct.
- (2) In proving service by post under this paragraph it is sufficient to prove that the letter was prepaid, properly addressed, and registered or recorded with the postal operator (within the meaning of the Postal Services Act 2000) concerned.

### Interpretation of this Schedule

**36.** In this Schedule, unless the context otherwise requires—

“legal process” means a claim form, application notice, writ, summons or other process;

“money” and “pecuniary reward” are deemed to include—

- (a) any office, place or employment;
- (b) any valuable security or other equivalent of money; and
- (c) any valuable consideration,

and expressions referring to money are to be construed accordingly; and

“payment” includes any pecuniary or other reward.

## SCHEDULE 5

Article 27

### APPLICATION AND MODIFICATIONS OF ENACTMENTS(53) RELATING TO ELECTIONS

#### General

**1.** The provisions set out in column (1) of the Table below have effect in relation to the referendum with the modifications(54) (if any) shown against those provisions in column (2) of that Table and any other necessary modifications.

Table

(1)	(2)
Provision	Modification
<b>The 2000 Act</b>	
Section 10(55) (Giving of advice and assistance by the Commission)	In subsection (3)(a) for sub-paragraph (ii) substitute “(ii) counting officers for the referendum held under the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010.”.

(53) For the meaning of “enactment” see section 158(1) of the Government of Wales Act 2006.

(54) For further meaning of modification see the said section 158(1).

(55) To which there are amendments not relevant to this Order.

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(1) Provision	(2) Modification
Schedule 12 (assistance available to designated organisations), paragraph 1 (right to send referendum address post free)	<p>Omit sub-paragraph (3) and after paragraph 1 insert –</p> <p>“(1A) Paragraphs (1B) to (1E ) apply where any postal services are provided without charge by a universal service provider under paragraph 1 in relation to the referendum held under the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010.</p> <p>(1B) The universal service provider is entitled to be remunerated for having provided services at the rate determined by or in accordance with a scheme under section 89 of the Postal Services Act 2000.</p> <p>(1C) The amount of such remuneration due to the universal service provider must be paid by the Welsh Ministers.</p> <p>(1D) The sums payable by the Welsh Ministers under paragraph (1C) are to be charged on the Welsh Consolidated Fund.</p> <p>(1E) In paragraph (1A), “postal services” has the same meaning as in the Postal Services Act 2000.”.</p>
<b>Electoral Administration Act 2006</b>	
Section 69 (encouraging electoral participation), sub-sections (1), (2) and (4) to (8).	<p>For subsection (1) substitute —</p> <p>“(1) A local electoral officer must take such steps as he thinks appropriate to encourage participation by electors in the area for which he acts in the referendum (in this section referred to as “the referendum”) held under the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010”.</p> <p>In subsection (8) for paragraph (b) substitute—</p> <p>“(b) a counting officer for the referendum”.</p>
<b>The 2001 Regulations</b>	
Regulation 116 (Interpretation of Part 7)	In paragraph (1), for “ regulation 91 above and rule 55(1)(e) of the elections rules”, substitute “paragraph 27 of Schedule 2 to the 2010 Order and by virtue of rule 42(2)(f) of the Referendum Rules”.

(1) Provision	(2) Modification
	<p>After paragraph (1), insert—</p> <p>“(1A) In this Part references to “the 2010 Order” mean the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010;</p> <p>“the referendum” means the referendum in Wales held under the 2010 Order;</p> <p>“the Referendum Rules” mean the rules in Schedule 3 to the 2010 Order”; and</p> <p>“the relevant registration officer” are to the relevant registration officer within the meaning of rule 42(3) of the Referendum Rules.”.</p> <p>In paragraph (2) for “regulation 56” substitute “rule 2 of the Referendum Rules”.</p> <p>In paragraph (4) for “section 52(1) of the 1983 Act”, substitute “paragraph 17(1) of Schedule 1 to the 2010 Order”.</p>
Regulation 117 (supply of marked registers and lists after an election)	<p>For paragraph (1) substitute —</p> <p>“(1) Any person entitled to be supplied in accordance with regulations 100, 106, 109 or 113 with copies of the full register is also a person entitled, subject to this regulation and regulation 119, to request that a relevant registration officer supply copies of the relevant part (within the meaning of those regulations) of the marked register or lists he is required to keep.”.</p> <p>After paragraph (1), insert</p> <p>“(1A) The reference in paragraph (1) to a person entitled to be supplied in accordance with regulation 106 with copies of the full register does not include a person mentioned in regulation 106(1)(b)”.</p> <p>In paragraph (2)—</p> <p>“(a) for “regulation 103, 105, 106 or 108 before a particular election” substitute “regulation 106(1)(a) or (c) before the referendum”; and</p> <p>(b) for “that election for which the marked register or list</p>

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(1) Provision	(2) Modification
	<p>was prepared”, substitute “the referendum”.”</p> <p>In paragraph (5), for “regulation 61” substitute “paragraph 21 of Schedule 1 to the 2010 Order”.</p> <p>In paragraph (6)(b), for “regulations 100, 103, 105, 106, 108, 109 or 113” substitute “regulations 100, 106, 109 and 113”.</p> <p>In paragraph (7), for “regulations 100(3), 103(3), 106(3), 108(5) and 109(3)” substitute “regulations 100(3), 106(8) and 109(3)”.</p>
Regulation 118 (inspection of documents open to public inspection)	<p>In paragraph (1)(b)—</p> <p>(a) for “an election” substitute “the referendum”; and</p> <p>(b) in paragraph (iii), for “the election” substitute “the referendum”.</p>
Regulation 119 (conditions on the use, supply and disclosure of documents open to public inspection)	In paragraph (2), omit “either” and after subparagraph (ii) insert “, or (iii) any purpose in connection with the referendum”.
Regulation 120 (calculating the fee for supply of marked registers or lists)	
<b>The Encouraging Electoral Participation (Reimbursement of Expenses ) (England and Wales) Regulations 2006(56)</b>	
	These Regulations apply as if the reference in regulation 2 to section 69(4) of the Electoral Administration Act 2006 included a reference to that sub-section as modified by this Schedule.

## SCHEDE 6

Article 28

## APPENDIX OF FORMS

*Note : Subject to article 28(2), the forms contained in this appendix may be adapted in accordance with article 28(1).*

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**Form A: Form of proxy paper**

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Paragraph 5(9) of Schedule 1

<b>Referendum</b>
<b>Proxy Paper</b>
County/County Borough: .....
Polling District: .....
Name of Proxy: .....
Address: .....
..... is hereby appointed as proxy for: <i>(Name of elector):</i> .....
..... who is qualified to be registered for: <i>(Qualifying Address):</i> .....
..... to vote for him/her at the referendum under the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010 to be held on <i>(date)</i> .....
This proxy appointment is only valid in respect of the referendum on that date.
Signature: .....
Electoral Registration Officer: .....
Address: .....
..... Date: .....

#### **Your right to vote as proxy**

1. This proxy paper gives you the right to vote, as proxy at the referendum, on behalf of the elector whose name is given above. However, you may not vote as proxy at the referendum for more than two electors of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
2. Your appointment as proxy is only in respect of the referendum.
3. When the elector applied for you to be appointed as proxy EITHER he or she was asked to state that he or she had consulted you and that you were capable of being, and willing to be, appointed as proxy OR you signed a statement stating that you were capable of being, and willing to be, appointed. You are capable of being appointed as proxy if you are at least 18 years old on polling day, a British or other Commonwealth citizen, a citizen of the Republic of Ireland, or a citizen of any other Member State of the European Union, and not for any reason disqualified from voting. If for some reason you are not capable of being, or willing to be, appointed as proxy, please write to the elector asking him or her to cancel the appointment.
4. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but it will be helpful to do so. Remember that the elector may still vote in person. If he or she applies for a ballot paper at the polling station before you do you will not be able to vote as proxy on his or her behalf.
5. If you cannot vote in person at the polling station the electoral registration officer may be able to allow you to vote as proxy by post. But the electoral registration officer cannot allow an application to vote by post at the referendum if he or she receives it after 5p.m. on the eleventh working day before the poll.

<b>Refferendwm Papur Dirprwy</b>
Sir/Bwrdeistref Sirol: .....
Dosbarth Pleidleisio: .....
Enw'r Dirprwy: .....
Cyfeiriad: .....
Penodir yr uchod drwy hyn yn ddirprwy dros: (Enw'r etholwr (aig)): .....
sy'n gymwys i'w gofrestru/chofrestru ar gyfer: (Cyfeiriad Cymhwys): .....
i bleidleisio drosto/drosti yn y refferendwm o dan Orchymyn Refferendwm Cynulliad Cenedlaethol Cymru (Darpariaethau Deddfau'r Cynulliad) (Cwestiwn y Refferendwm, Dyddiad y Refferendwm Etc.) 2010 sydd i'w gynnal ar (dyddiad) ..... Nid yw'r penodiad dirprwy hwn ond yn ddilys o ran y refferendwm ar y dyddiad hwnnw. .....
Llofnod: .....
Swyddog Cofrestru Etholiadol: .....
Cyfeiriad: .....
Dyddiad: .....

#### **Eich Hawl i Bleidleisio Fel Dirprwy**

- 1) Rhydd y papur dirprwy hwn hawl i chi bleidleisio fel dirprwy yn y refferendwm, dros yr etholwr(aig) a enwir uchod. Er hynny, ni chewch bleidleisio fel dirprwy yn y refferendwm ar ran dau neu fwy o etholwyr nad ydych yn briod, partner sifil, rhiant, tad-cu neu fam-gu (taid neu nain), brawd, chwaer, plentyn, wyr neu wyres iddynt.
- 2) Nid yw'ch penodiad yn ddirprwy ond yn ddilys o ran y refferendwm.
- 3) Pan wnaeth yr etholwr(aig) gais i chi gael eich penodi yn ddirprwy, NAILL AI gofynnwyd iddo/iddi ddatgan iddo/iddi ymgynghori â chi a'ch bod yn gymwys i fod yn ddirprwy ac yn fodlon cael eich penodi NEU bu i chi llofnodi datganiad eich bod yn gymwys i fod yn ddirprwy ac yn fodlon cael eich penodi. Fe allwch gael eich penodi'n ddirprwy os ydych chi'n 18 oed o leiaf ar ddiwrnod pleidleisio, yn ddinesydd Prydeinig neu'n ddinesydd un o wledydd eraill y Gymanwlad, yn ddinesydd Gweriniaeth Iwerddon, neu'n ddinesydd unrhyw Aelod-wladwriaeth arall o'r Undeb Ewropeaidd, ac nad ydych wedi'ch gwahardd rhag pleidleisio am unrhyw reswm. Os na allwch chi gael eich penodi'n ddirprwy, neu os ydych chi'n amharod i gael eich penodi, ysgrifennwch at yr etholwr(aig) gan ofyn iddo/iddi ganslo'r penodiad.
- 4) Cewch bleidleisio fel dirprwy yn yr or saf bleidleisio a Bennwyd i'r etholwr(aig) y penodwyd chi drosto/drosti. Ychydig cyn y diwrnod pleidleisio anfonir cerdyn pleidleisio dirprwy atoch yn dweud lle mae'r or saf bleidleisio. Nid oes angen i chi fynd â'r cerdyn pleidleisio na'r papur dirprwy hwn gyda chi i'r or saf bleidleisio, ond bydd o gymorth i chi wneud hynny. Cofiwch y caiff yr etholwr(aig) ddal i bleidleisio yn bersonol. Os bydd iddo/iddi wneud cais am bapur pleidleisio yn yr or saf bleidleisio cyn i chi wneud hynny, ni allwch bleidleisio fel dirprwy drosto/drosti.
- 5) Os na allwch bleidleisio yn bersonol yn yr or saf bleidleisio, hwyrach y gall y swyddog cofrestru etholiadol ganiatâu i chi bleidleisio fel dirprwy drwy'r post. Ond ni all y swyddog

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cofrefstru etholiadol ganiatáu cais am bleidleisio drwy'r post yn y refferendwm os bydd yn ei dderbyn ar ôl 5 p.m. ar yr unfed diwrnod gweithio ar ddeg cyn y bleidlais.

**Form B: Form of postal voting statement**

Paragraph 1(2) of Schedule 2 and Rule 12 (1)(b) of Schedule 3

<b>Referendum Postal Voting Statement</b>			
Voter's name: .....	Ballot paper number: .....		
<i>*(Counting officer to insert name but omit where ballot paper sent to an elector with anonymous registration)</i>			
[other identifying mark]			
<b>You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.</b>			
I AM THE PERSON TO WHOM THE BALLOT PAPER NUMBERED ABOVE WAS SENT			
Date of birth	<input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	(day/month/year)
#Voter's signature	<input type="text"/>		IMPORTANT – Keep signature within border
# <i>(Counting officer to omit where a person has been granted a waiver)</i>			
<b>Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.</b>			
Issued by the Counting Officer			

#### INSTRUCTIONS TO THE VOTER

**Complete the ballot paper yourself and in private. If you need help, contact the Counting Officer's staff as shown below**

*[contact details for assistance; include address as appropriate]*

1. You have a ballot paper for the referendum under the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010.
2. You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.
3. The ballot paper and the postal voting statement must be received by the Counting Officer by 10 p.m. on [day/date of poll]. You can deliver your completed postal vote to any polling station in [insert name of county/county borough] on polling day.
4. If you need help voting, the person helping you must not tell anyone how you voted.
5. You may vote (X) in one box only on the ballot paper. Put no other mark on the ballot paper, or your vote may not be counted.
6. Put the ballot paper in the small envelope marked A and seal it.
7. Complete the postal voting statement by [#signing it, and] providing your date of birth.
8. Then put the envelope marked A together with the postal voting statement in the larger envelope marked B. Return it straightaway.
9. After receiving this postal vote, you cannot vote in person at a polling station at this referendum.
10. If you accidentally spoil the ballot paper, you can ask the Counting Officer for a replacement before 5p.m. on [day/date of poll]. You must return the ballot paper, this postal voting statement, and the envelopes marked A and B. Make sure you contact the Counting Officer as soon as possible.

**Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.**

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**You may vote once at the referendum. To vote more than once at the referendum is illegal (unless you are appointed as a proxy for another elector).**

*#(Counting Officer to omit where a person has been granted a waiver)*

**Refferendwm**

**Datganiad Pleidlais drwy'r Post**

Enw'r pleidleisiwr: ..... Rhif y papur pleidleisio .....

*\*(Y swyddog cyfrif i nodi'r enw ond ei adael allan pan anfonir y papur pleidleisio at etholwr sydd â chofrestrriad dienw)*

[marc adnabod arall]

**Rhaid i chi ddarparu eich [# llofnod a'ch] dyddiad geni. Os na fyddwch yn gwneud hyn, bydd eich datganiad pleidlais drwy'r post yn annilys ac ni chaiff eich pleidlais ei chyfrif.**

FI YW'R PERSON YR ANFONWYD Y PAPUR PLEIDLEISIO SYDD WEDI'I RIFO  
UCHOD ATO/ATI

Dyddiad geni

<input type="text"/>					
----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

(dydd/mis/blwyddyn)

#Llofnod y pleidleisiwr

<input type="text"/>
----------------------

PWYSIG – Cadwch y llofnod o fewn y border

*#(Y swyddog cyfrif i w adael allan pan fo person wedi cael hepgoriad)*

**Mae twyllo wrth bleidleisio yn drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio pleidleisiwr arall.**

Cyhoeddwyd gan y Swyddog Cyfrif

**CYFARWYDDIADAU I'R PLEIDLEISIWR**

**Llenwch y papur pleidleisio eich hun ac mewn preifatrwydd. Os bydd angen cymorth arnoch, cysylltwch â staff y Swyddog Cyfrif fel y dangosir isod**

*[manylion cyswllt i gael cymorth; rhowch y cyfeiriad fel sy'n briodol]*

1. Mae gennych bapur pleidleisio ar gyfer y refferendwm o dan Orchymyn Refferendwm Cynulliad Cenedlaethol Cymru (Darpariaethau Deddfau'r Cynulliad) (Cwestiwn y Refferendwm, Dyddiad y Refferendwm Etc.) 2010.
2. Rhaid i chi ddarparu eich [# llofnod a'ch] dyddiad geni. Os na fyddwch yn gwneud hyn, bydd eich datganiad pleidlais drwy'r post yn annilys ac ni chaiff eich pleidlais ei chyfrif.
3. Rhaid i'r Swyddog Cyfrif dderbyn y papur pleidleisio a'r datganiad pleidlais drwy'r post erbyn 10p.m. ar [diwrnod/dyddiad y pleidleisio]. Gallwch ddychwelyd eich pleidlais drwy'r post wedi'i llenwi i unrhyw orsaf bleidleisio yn [mewnosoder enw'r sir /fwrdeistref sirol] ar ddiwrnod y pleidleisio.
4. Os bydd angen help arnoch i bleidleisio, ni chaiff y sawl sy'n eich cynorthwyo ddweud wrth neb sut rydych chi wedi pleidleisio.
5. Cewch bleidleisio (X) mewn un blwch yn unig ar y papur pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif.
6. Rhowch y papur pleidleisio yn yr amlen fach ag **A** arni a'i selio.
7. Llenwch y datganiad pleidlais drwy'r post drwy [# ei lofnodi, a ][roi/rhoi] eich dyddiad geni.
8. Yna, rhowch yr amlen ag **A** arni, ynghyd â'r datganiad pleidlais drwy'r post, yn yr amlen fwy â **B** arni a'i dychwelyd yn syth.
9. Ar ôl derbyn y bleidlais drwy'r post hon, chewch chi ddim pleidleisio eich hun mewn Gorsaf bleidleisio yn y refferendwm hwn.
10. Os byddwch chi'n difetha'ch papur pleidleisio drwy gamgymeriad, cewch ofyn i'r Swyddog Cyfrif am un arall cyn 5p.m. ar [diwrnod/dyddiad y pleidleisio]. Rhaid i chi ddychwelyd y papur

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pleidleisio, y datganiad pleidlais drwy'r post hwn, a'r amleni ag A a B arnynt. Gwnewch yn siŵr eich bod yn cysylltu â'r Swyddog Cyfrif cyn gynted ag y bo modd.

**Mae twyllo wrth bleidleisio yn drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio pleidleisiwr arall.**

**Mi gewch chi bleidleisio unwaith yn y refferendwm. Mae'n anghyfreithlon pleidleisio fwy nag unwaith yn y refferendwm (oni chewch eich penodi'n ddirprwy i etholwr arall).**

#{(Y Swyddog Cyfrif i'w adael allan pan fo person wedi cael hepgoriad)}

#### Form C: Statement as to postal ballot papers

Paragraph 27(1)(b) of Schedule 2

<b>Referendum</b>	
County/County Borough: .....	
Date of Poll: .....	
A. Issue of postal ballot papers	Number
1. Total number of postal ballot papers issued under paragraph 5 of Schedule 2.	
2. Total number of postal ballot papers issued under paragraphs 11 (spoilt and returned for cancellation) and 12 (lost or not received) of Schedule 2.	
3. Total number of postal ballot papers cancelled under paragraph 23 of Schedule 2 (where the first ballot paper was cancelled and retrieved).	
4. Total number of postal ballot papers issued (1+2) ( <i>postal ballot papers cancelled under paragraph 23 of Schedule 2 appear as part of the totals in items 1 and 2</i> ).	
B.(1) Receipt of ballot papers and replacements	Number
5. Number of covering envelopes received by the counting officer or at a polling station before the close of poll (excluding any undelivered or returned under paragraphs 11 (spoilt), 12 (lost) and 23 (cancelled ballot papers) of Schedule 2).	
6. Number of covering envelopes received by the counting officer after the close of poll (excluding any returned as undelivered).	
7. Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued.	
8. Number of postal ballot papers identified as lost or not received in time for another ballot paper to be issued.	
9. Number of ballot papers cancelled and retrieved in time for another ballot paper to be issued.	
10. Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued.	
11. Number of covering envelopes returned as undelivered (up to the date of this statement).	
12. Number of covering envelopes not received by the counting officer by the date of this statement.	
13. Total numbers 5 to 12 (This number should be the same as that in 4 above).	
B.(2) Receipt of postal ballot papers – Postal voting statements	Number
14. Number of covering envelopes set aside for the	

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verification of personal identifiers on postal voting statements.	
15. Number of postal voting statements not subject to verification procedure rejected as not completed (excluding prior cancellations).	
16. Number of postal voting statements subject to verification procedure rejected as not completed (excluding prior cancellations).	
17. Number of postal voting statements rejected following verification procedures due to personal identifiers on the postal voting statement not matching those in the personal identifiers record (excluding prior cancellations).	
18. Number of postal ballot papers returned separately from postal voting statements and not subsequently matched.	
19. Number of postal voting statements returned separately from postal ballot papers and not subsequently matched.	
<b>C. Count of postal ballot papers</b>	
20. Number of ballot papers returned by postal voters which were included in the count of ballot papers.	<b>Number</b>
21. Number of cases in which a covering envelope or its contents were marked "rejected" (15+16+17+18 +19). (Cancellations under paragraphs 11, 12 and 23 of Schedule 2 are not rejections and should be included in items 2, 3, 7, 8 and 9 above).	
Date.....	Signed..... Counting Officer
Address. ..... .....	

#### NOTE

The references to Schedule 2 are references to Schedule 2 to the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010.

<b>Refferendwm</b>	
Sir / Bwrdeistref Sirol: .....	
Dyddiad Pleidleisio: .....	
<b>A Y papurau pleidleisio drwy'r post a ddosbarthwyd</b>	<b>Nifer</b>
1.Cyfanswm y papurau pleidleisio drwy'r post a ddosbarthwyd o dan baragraff 5 o Atodlen 2.	
2.Cyfanswm y papurau pleidleisio drwy'r post a ddosbarthwyd dan baragraffau 11 (wedi'u difetha a'u dychwelyd i'w canslo) a 12 (ar goll neu heb eu derbyn) o Atodlen 2.	
3.Cyfanswm y papurau pleidleisio drwy'r post a gafodd eu canslo dan baragraff 23 o Atodlen 2 (lle y cafodd y papur pleidleisio cyntaf ei ganslo a'i gael yn ôl).	
4.Cyfanswm y papurau pleidleisio drwy'r post a ddosbarthwyd (1+2) (mae nifer y papurau pleidleisio drwy'r post a gafodd eu canslo o dan baragraff 23 o Atodlen 2 yn ymddangos fel rhan o'r cyfansymiau yn eitemau 1 a 2).	
<b>B.(1) Derbyn papurau pleidleisio a phapurau pleidleisio newydd</b>	<b>Nifer</b>
5.Nifer yr amlenni mawr a dderbyniwyd gan y swyddog cyfrif neu mewn Gorsaf Bleidleisio cyn diwedd y pleidleisio (ac eithrio unrhyw rai nas danfonwyd neu a ddychwelwyd o dan baragraffau 11 (wedi'u difetha), 12 (ar goll) a 23 (papurau pleidleisio wedi'u canslo) o Atodlen 2).	
6.Nifer yr amlenni mawr a ddaeth i law'r swyddog cyfrif ar ôl diwedd y pleidleisio (ac eithrio unrhyw rai a ddychwelwyd fel rhai nas danfonwyd).	
7.Nifer y papurau pleidleisio drwy'r post a ddychwelwyd wedi'u difetha i'w canslo mewn pryd i ddosbarthu papur pleidleisio arall.	
8.Nifer y papurau pleidleisio drwy'r post y cafwyd gwybod eu bod wedi mynd ar goll neu nad oeddynt wedi'u derbyn mewn pryd i ddosbarthu papur pleidleisio arall.	
9.Nifer y papurau pleidleisio a gafodd eu canslo a'u cael yn ôl mewn pryd i ddosbarthu papur pleidleisio arall.	

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10.Nifer y papurau pleidleisio drwy'r post a ddychwelwyd wedi'u difetha yn rhy hwyr i ddosbarthu papur pleidleisio arall.	
11.Nifer yr amlenni mawr a ddychwelwyd fel rhai nas danfonwyd (hyd at ddyddiad y datganiad hwn).	
12.Nifer yr amlenni mawr na ddaeth i law'r swyddog cyfrif erbyn dyddiad y datganiad hwn.	
13.Cyfanswm rhifau 5 i 12 ( <i>Dylai'r rhif hwn fod yr un fath â'r rhif yn 4 uchod</i> ).	
<b>B.(2) Y papurau pleidleisio drwy'r post a ddaeth i law – datganiadau pleidlais drwy'r post</b>	<b>Nifer</b>
14.Nifer yr amlenni mawr a neilltuwyd ar gyfer diliysu'r dynodyddion personol ar y datganiadau pleidlais drwy'r post.	
15.Nifer y datganiadau pleidlais drwy'r post nad oeddent yn ddarostyngedig i weithdrefn ddiliysu ac a gafodd eu gwirthod fel rhai heb eu cwbllhau (heb gynnwys y rhai a gafodd eu canslo'n flaenorol).	
16.Nifer y datganiadau pleidlais drwy'r post a oedd yn ddarostyngedig i weithdrefn ddiliysu ac a gafodd eu gwirthod fel rhai heb eu cwbllhau (heb gynnwys y rhai a gafodd eu canslo'n flaenorol).	
17.Nifer y datganiadau pleidlais drwy'r post a gafodd eu gwirthod yn dilyn y drefn ddiliysu oherwydd nad oedd y dynodyddion personol ar y datganiad pleidlais drwy'r post yn cysfateb i'r rhai yn y cofnod dynodyddion personol (heb gynnwys y rhai a gafodd eu canslo'n flaenorol).	
18.Nifer y papurau pleidleisio drwy'r post a ddychwelwyd ar wahân i ddatganiadau pleidlais drwy'r post ac a oedd heb eu paru wedi hynny.	
19.Nifer y datganiadau pleidlais drwy'r post a ddychwelwyd ar wahân i bapurau pleidleisio drwy'r post ac a oedd heb eu paru wedi hynny.	
<b>C. Cyfrif y papurau pleidleisio drwy'r post</b>	<b>Nifer</b>
20.Nifer y papurau pleidleisio a ddychwelwyd gan bleidleiswyr drwy'r post ac a gafodd eu cynnwys wrth gyfri'r papurau pleidleisio.	
21.Nifer yr achosion lle'r oedd amlin fawr neu ei chynnwys wedi'u marcio â'r gair "gwirthodwyd" (15+16+17+18+19 ).( <i>Nid yw papurau a gafodd eu canslo dan baragraffau 11, 12 a 23 o Atodlen 2 yn rhai a wrthodwyd, ac fe ddylid eu cynnwys yn eitemau 2, 3, 7, 8 a 9 uchod</i> ).	
Dyddiad .....	Llofnod .....
	Swyddog Cyfrif

Cyfeiriad.....

**NODYN**

Cyfeirio at Atodlen 2 i Orchymyn Refferendwm Cynulliad Cenedlaethol Cymru (Darpariaethau Deddfau'r Cynulliad) (Cwestiwn y Refferendwm, Dyddiad y Refferendwm Etc.) 2010 y mae'r cyfeiriadau at Atodlen 2.

**Form D: Form of ballot paper**

Rule 6(2) of Schedule 3

*Front of ballot paper*

<b>Refferendwm</b> <b>Pleidleisiwch (X) mewn un blwch yn unig</b>	<b>Referendum</b> <b>Vote (X) in one box only</b>
<b>Cynulliad Cenedlaethol Cymru: yr hyn sy'n digwydd ar hyn o bryd</b>  Mae gan y Cynulliad bwerau i lunio deddfau mewn 20 maes pwnc, megis:  amaethyddiaeth      iechyd      agriculture      health addysg                tai            education          housing yr amgylchedd       llywodraeth leol      the environment      local government  Mae'r Cynulliad yn gallu llunio deddfau ar <b>rai</b> materion ym mhob maes pwnc ond nid ar faterion eraill. Er mwyn llunio deddfau ar unrhyw un o'r materion eraill hyn, mae'n rhaid i'r Cynulliad ofyn am gytundeb Senedd y DU. Yna, mae Senedd y DU yn penderfynu bob tro a gaiff y Cynulliad lunio'r deddfau hyn neu beidio.  Ni all y Cynulliad lunio deddfau mewn meysydd pwnc fel amddiffyn, trethi neu fuddaliadau lles, beth bynnag fo canlyniad y bleidlais hon.	<b>The National Assembly for Wales: what happens at the moment</b>  The Assembly has powers to make laws on 20 subject areas, such as:  agriculture      health education          housing the environment      local government  In each subject area, the Assembly can make laws on <b>some</b> matters, but not others. To make laws on any of these other matters, the Assembly must ask the UK Parliament for its agreement. The UK Parliament then decides each time whether or not the Assembly can make these laws.  The Assembly cannot make laws on subject areas such as defence, tax or welfare benefits, whatever the result of this vote.
<b>Os bydd y rhan fwyaf o bleidleiswyr yn pleidleisio 'ydw'</b>  Bydd y Cynulliad yn gallu llunio deddfau ar <b>bob</b> mater yn yr 20 maes pwnc y mae ganddo bwerau ynddynt, heb orfod cael cytundeb Senedd y DU.	<b>If most voters vote 'yes'</b>  The Assembly will be able to make laws on <b>all</b> matters in the 20 subject areas it has powers for, without needing the UK Parliament's agreement.
<b>Os bydd y rhan fwyaf o bleidleiswyr yn pleidleisio 'nac ydw'</b>  Bydd yr hyn sy'n digwydd ar hyn o bryd yn parhau.	<b>If most voters vote 'no'</b>  What happens at the moment will continue.
<b>Cwestiwn</b>  A ydych yn dymuno i'r Cynulliad allu llunio deddfau ar <b>bob</b> mater yn yr 20 maes pwnc y mae ganddo bwerau ynddynt?	<b>Question</b>  Do you want the Assembly now to be able to make laws on <b>all</b> matters in the 20 subject areas it has powers for?
<b>YDW</b>	<b>YES</b> <input type="checkbox"/>
<b>NAC YDW</b>	<b>NO</b> <input type="checkbox"/>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

*Back of Ballot Paper*

Number /Rhif.....
Other Unique Identifying Mark/Marc Adnabod Unigryw Arall Referendum/Refferendwm ( <i>insert date of poll/mewnosoder dyddiad y bleidlais</i> ).....
County/County Borough/Sir/Bwrdeistref Sirol ( <i>insert name of voting area/mewnosoder enw'r ardal bleidleisio</i> ).....

## Directions as to printing the ballot paper

Rule 6(2) of Schedule 3

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the instructions specified in paragraphs 3 to 11 must be observed in printing the ballot paper.
3. The front of the ballot paper must be divided into two columns, the left hand column being the Welsh language version and the right hand column being the English language version.
- 4.—(1) The two columns must be of the same width; and for these purposes the boxes referred to in paragraph 11 are to be regarded as part of the right hand column.
  - (2) Corresponding words used in each language version must be—
    - (a) of the same size, and
    - (b) printed in the same typeface.
  - (3) The following must be aligned horizontally in the one language version with the other language version—
    - (a) the heading referred to in paragraph 5(a);
    - (b) the start of the direction referred to in paragraph 5(b);
    - (c) the start of each paragraph into which the statement that is to precede the referendum question on the ballot paper (in these Directions referred to as “the statement”) is divided;
    - (d) the words referred to in paragraph 5(d);
    - (e) the start of the referendum question; and
    - (f) the words indicating the same form of answer to the referendum question.
  - (4) The words indicating the alternative forms of answer must be aligned vertically in each language version.
5. Nothing must be printed on the front of the ballot paper except—
  - (a) the heading “Referendum”; “Refferendwm”;
  - (b) the words constituting the statement and the referendum question;
  - (c) the direction “Vote (X) in one box only”; “Pleidleisiwch (X) mewn un blwch yn unig” which must appear between the statement and the heading;
  - (d) the words “Question”; “Cwestiwn” which must appear between the statement and the referendum question;
  - (e) the words indicating the alternative forms of answer to the referendum question; and
  - (f) the official mark and any words forming part of the official mark.
6. Nothing must be printed on the back of the ballot paper except—
  - (a) the ballot paper number and other unique identifying mark;
  - (b) the heading “Referendum”; “Refferendwm”;
  - (c) the date of the poll;
  - (d) the name of the voting area; and
  - (e) if the official mark is also printed on the back, any words forming part of the official mark.
7. Words printed on the ballot paper must be printed in a clear typeface and in characters of such a size that they are easily legible.
8. The words on the front of the ballot paper referred to in paragraph 5(a) and (c) to (e) must be printed in large characters.

**9.** The following words on the front of the ballot paper must be printed in bold characters—

- (a) the words referred to in paragraph 5(a) and (c) to (e); and
- (b) in the statement, the words—
  - (i) “The National Assembly for Wales: what happens at the moment”; “Cynulliad Cenedlaethol Cymru: yr hyn sy’n digwydd ar hyn o bryd”;
  - (ii) “some”; “rai”;
  - (iii) “all”; “bob”;
  - (iv) “If most voters vote ‘yes’”; “Os bydd y rhan fwyaf o bleidleiswyr yn pleidleisio ‘ydw’”; and
  - (v) “If most voters vote ‘no’”; “Os bydd y rhan fwyaf o bleidleiswyr yn pleidleisio ‘nac ydw’”.

**10.—(1)** A horizontal rule must separate—

- (a) the heading and the direction referred to in paragraph 5(c) from the statement;
- (b) the statement from the referendum question and the words referred to in paragraph 5(d);
- (c) each of the answers to the referendum question from one another; and
- (d) in the case of the first answer, it from the referendum question and the words referred to in paragraph 5(d).

**(2)** A horizontal rule must be printed under the second answer so that the portions containing each of the answers to the question must be of equal size being 2.5 centimetres in depth.

**11.—(1)** The 2 boxes for marking a vote for an answer must appear in the right hand column to the right of the alternative forms of answer to the referendum question.

**(2)** Each box must be —

- (a) of the same size being 2.5 centimetres square;
- (b) printed in the same typeface; and
- (c) aligned horizontally and vertically with each other so that the right hand edge of each box is aligned with the right hand edge of the ballot paper.

**(3)** The lines of each box for marking a vote for the forms of the answer are not to be regarded as rules for the purposes of these directions.

#### **Form E: Form of corresponding number list**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Rule 7(2) of Schedule 3**

## **Form F: Elector's form of poll card**

Rule 15(5) of Schedule 3

*Front of poll card*

<b>Referendum</b>	<b>Refferendwm</b>
<b>Official Poll Card</b>	<b>Cerdyn Pleidleisio Swyddogol</b>
County/County Borough Sir/Bwrdeistref Sirol	Number on register/Rhif ar y gofrestr
Polling day/diwrnod y pleidleisio	*Name/ Enw .....
Your polling station will be/Yr orsaf bleidleisio i chi fydd. ..... .....	*Address/Cyferiad ..... ..... .....
Polling hours 7a.m. to 10p.m.	
Oriau pleidleisio 7a.m. hyd 10p.m.	
<i>(*To be omitted where the poll card is being sent to an elector with anonymous registration. Poll card being sent to an elector with anonymous registration must be delivered in a sealed envelope.)</i>	
<i>(*I'w hepgor pan fo'r cerdyn pleidleisio yn cael ei anfon at etholwr(aig) sydd â chofrestriad dienw. Rhaid i gerdyn pleidleisio sy'n cael ei anfon at etholwr(aig) sydd â chofrestriad dienw gael ei ddanfon mewn amlen seliedig.).</i>	
<b>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</b> <b>GWELER YR WYBODAETH YCHWANEGOL AR GEFN Y CERDYN HWN</b>	

*Back of Poll Card*

Referendum	Refferendwm
(1) This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.	(1) Er gwybodaeth yn unig y mae'r cerdyn hwn. Fe gewch chi bleidleisio hebddo, ond bydd yn arbed amser os ewch chi ag ef i'r orsaf bleidleisio a'i ddangos i'r clerch yno.
(2) When you go to the polling station, tell the clerk your name and address, as shown on the front of this card.	(2) Pan fyddwch chi'n mynd i'r orsaf bleidleisio, rhowch eich enw a'ch cyfeiriad i'r clerch, fel y'u dangosir ar du blaen y cerdyn hwn.
(3) The clerk will confirm the details on the register and give you your ballot paper.  When you are given the ballot paper, go to one of the polling booths. <b>Vote (X) in one box only on the ballot paper. Put no other mark on the ballot paper, or your vote may not be counted.</b>	(3) Bydd y clerch yn cadarnhau'r manylion ar y gofrestr ac yn rhoi eich papur pleidleisio i chi.  Pan gewch chi'r papur pleidleisio, ewch i un o'r bythau pleidleisio. <b>Pleidleisiwch (X) mewn un blwch yn unig ar y papur pleidleisio.</b> <b>Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif.</b>
If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.	Os byddwch chi'n difetha'r papur pleidleisio drwy gamgymeriad, dangoswch ef i'r swyddog llywyddu a gofyn am un arall.
Fold the ballot paper so as to conceal your vote. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.	Plygwch y papur pleidleisio er mwyn cuddio'ch pleidlais. Dangoswch y rhif a'r marc adnabod unigryw arall ar gefn y papur pleidleisio i'r swyddog llywyddu, ond peidiwch â gadael i neb weld eich pleidlais. Rhowch y papur pleidleisio yn y blwch pleidleisio ac ymadael â'r orsaf bleidleisio.
If you will be away on the date of the poll—  You can apply for a proxy vote (this means someone else can vote on your behalf). You must do this before 5p.m. on [insert date]. If you appoint a proxy, you can still vote in person in the referendum if you do so before your proxy has voted on your behalf.	Os byddwch i ffwrdd ar ddyddiad y pleidleisio—  Gallwch wneud cais am bleidlais drwy ddirprwy (mae hyn yn golygu y gall rhywun arall bleidleisio ar eich rhan). Rhaid ichi wneud hyn cyn 5p.m. ar [mewnosoder y dyddiad]. Os byddwch yn penodi dirprwy, gallwch barhau i bleidleisio eich hun yn y refferendwm os gwnewch hynny cyn i'ch dirprwy bleidleisio ar eich rhan.
You or your proxy can apply to vote by post. You must do this before 5p.m. on [insert date]. If you are given a postal vote, you or your proxy will not be entitled to vote in person in the referendum.	Gallwch chi neu eich dirprwy wneud cais i bleidleisio drwy'r post. Rhaid ichi wneud hyn cyn 5p.m. ar [mewnosoder y dyddiad]. Os rhoddir pleidlais bost i chi, ni chewch chi na'ch dirprwy bleidleisio'n bersonol yn y refferendwm.
If you have a medical emergency after 5p.m. on [insert date] which will prevent you from voting in person, you can apply for an emergency proxy vote.	Os cewch argywng meddygol ar ôl 5p.m. ar [mewnosoder y dyddiad] a fydd yn eich rhwystro rhag pleidleisio'n bersonol, gallwch wneud cais am bleidlais frys drwy ddirprwy.
<b>To change any of your voting arrangements, please contact [Help line number] as soon as possible.</b>	<b>I newid unrhyw rai o'ch trefniadau pleidleisio, ffoniwch [rhify llinell gymorth] cyn gynted ag y bo modd.</b>

It is illegal to vote more than once (other than as proxy for another elector) in the referendum.	Mae'n anghyfreithlon pleidleisio fwy nag unwaith (ac eithrio fel dirprwy i etholwr(aig) arall) yn y refferendwm.
<b>Issued by the Counting Officer under the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010.</b>	<b>Dosbarthwyd gan y Swyddog Cyfrif o dan Orchymyn Refferendwm Cynulliad Cenedlaethol Cymru (Darpariaethau Deddfau'r Cynulliad) (Cwestiwn y Refferendwm, Dyddiad y Refferendwm Etc.) 2010.</b>
<i>[When the poll card is being sent to an elector with anonymous registration substitute the paragraphs marked, 1,2 and 3 above with the corresponding paragraphs below.</i>	<i>[Pan fo'r cerdyn pleidleisio yn cael ei anfon at etholwr(aig) sydd â' chofrestrriad dienw, rhodder yn lle'r paragraffau sydd wedi eu marcio â'r rhifau 1, 2 a 3 uchod y paragraffau cyfatebol isod.</i>
(1) You must have this card with you when you vote. You cannot vote without it.	(1) Mae'n rhaid i chi fynd â'r cerdyn hwn gyda chi pan fyddwch yn pleidleisio. Chewch chi ddim pleidleisio hebddo.
(2) When you go to the polling station, ask to speak to the presiding officer and show him/her this card.	(2) Pan fyddwch chi'n mynd i'r orsaf bleidleisio, gofynnwch am gael siarad â'r swyddog llywyddu a dangos y cerdyn hwn iddo/iddi.
(3) The presiding officer will confirm your entry on the register and give you your ballot paper.]	(3) Bydd y swyddog llywyddu'n cadarnhau eich cofnod ar y gofrestr ac yn rhoi eich papur pleidleisio i chi.]

#### Form G: Proxy's form of poll card

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 15(6) of Schedule 3

*Front of poll card*

<b>Referendum Official Proxy Poll Card</b>	<b>Refferendwm Cerdyn Pleidleisio Swyddogol Dirprwy</b>
County/County borough ..... Sir/Bwrdeistref Sirol ..... Polling day/ Diwrnod y pleidleisio .....	This poll card is to tell you that for this referendum you are appointed as a proxy for the elector named opposite. Your appointment to vote for this person is either as an existing appointment for elections to the National Assembly for Wales or as an appointment made specifically for this referendum.  Pwrpas y cerdyn pleidleisio hwn yw dweud wrthyd eich bod, ar gyfer y refferendwm hwn, wedi'ch penodi'n ddirprwy ar ran yr etholwr(aig) a enwir gyferbyn. Mae'ch penodiad i bleidleisio ar ran y person hwn naill ai'n benodiad sy'n bodoli eisoes ar gyfer etholiadau i Gynulliad Cenedlaethol Cymru neu'n benodiad sydd wedi ei wneud yn benodol ar gyfer y refferendwm hwn.
*(Elector's name/ enw'r etholwr(aig)) ..... *(Elector's address/cyfeiriad yr etholwr(aig)) ..... (Elector's number on register/ rhif yr etholwr(aig) ar y gofrestr) .....	* <b>Proxy's name/Enw'r dirprwy</b> ..... * <b>Proxy's address/Cyfeiriad y dirprwy</b> .....
<p>(*To be omitted where the poll card is sent to the proxy of an elector with anonymous registration. Poll card being sent to the proxy of an elector with anonymous registration must be delivered in a sealed envelope)</p> <p>(*I'w hepgor pan fo'r cerdyn pleidleisio'n cael ei anfon at ddirprwy etholwr(aig) sydd â chofrestrriad dienw. Rhaid i gerdyn pleidleisio sy'n cael ei anfon at ddirprwy etholwr(aig) sydd â chofrestrriad dienw gael ei ddansfon mewn amlen seliedig)</p> <p style="text-align: center;"><b>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</b> <b>GWELER YR WYBODAETH YCHWANEGOL AR GEFN Y CERDYN HWN</b></p>	

*Back of poll card*

Referendum	Refferendwm
(1) This card is for information only. You can vote without it but it will save time if you take it to the polling station and show it to the clerk there.	(1) Er gwybodaeth yn unig y mac'r cerdyn hwn. Fe gewch chi bleidleisio hebddo, ond bydd yn arbed amser os ewch chi ag ef i'r orsaf bleidleisio a'i ddangos i'r clerc yno.
(2) When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the elector shown on the front of this card.	(2) Pan fyddwch chi'n mynd i'r orsaf bleidleisio, dywedwch wrth y clerc eich bod am bleidleisio fel dirprwy ar ran yr etholwr(aig) a ddangosir ar du blaen y cerdyn hwn.
(3) The clerk will confirm the details in the register and give you your ballot paper.	(3) Bydd y clerc yn cadarnhau'r manylion yn y gofrestr ac yn rhoi eich papur pleidleisio i chi.
When you are given the ballot paper, go to one of the polling booths. <b>Vote (X) in one box only on the ballot paper. Put no other mark on the ballot paper, or your vote may not be counted.</b>	Pan gewch chi'r papur pleidleisio, ewch i un o'r bythau pleidleisio. <b>Pleidleisiwch (X) mewn un blwch yn unig ar y papur pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif.</b>
If you spoil a ballot paper by mistake, show it to the presiding officer and ask for a replacement.	Os byddwch chi'n difetha papur pleidleisio drwy gamgymeriad, dangoswch ef i'r swyddog llywyddu a gofyn am un arall.
Fold the ballot paper so as to conceal your vote. Show the back of the ballot paper to the presiding officer, so as to disclose the number and other unique identifying mark. Do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.	Plygwch y papur pleidleisio er mwyn cuddio'ch pleidlais. Dangoswch gefn y papur pleidleisio i'r swyddog llywyddu er mwyn dangos y rhif a'r marc adnabod unigryw arall. Peidiwch â gadael i neb weld eich pleidlais. Rhowch y papur pleidleisio yn y blwch pleidleisio ac ymadael â'r orsaf bleidleisio.
If you will be away on the date of the poll—  —You can apply to vote by post. You must do this before 5p.m. on [insert date]. If you are given a postal vote, you will not be entitled to vote in person in the referendum.	Os byddwch i ffwrdd ar ddyddiad y pleidleisio—  —Gallwch wneud cais i bleidleisio drwy'r post. Rhaid ichi wneud hyn cyn 5p.m. ar [mewnosoder y dyddiad]. Os rhoddir pleidlais drwy'r post i chi, ni chewch chi bleidleisio'n bersonol yn y refferendwm hwn.
The person who appointed you as proxy may vote in person in the referendum if he/she is able, and wishes to do so and does so before you vote on his/her behalf.	Caiff y sawl sydd wedi'ch penodi chi'n ddirprwy bleidleisio'i hun yn bersonol yn y refferendwm os gall ac os yw'n dymuno gwneud hynny, ac yn gwneud hynny cyn i chi bleidleisio drosto.
<b>It is illegal to do any of the following</b>  to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote.  to vote as a proxy in the referendum for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or	<b>Mae'n anghyfreithlon gwneud unrhyw un o'r canlynol</b>  pleidleisio fel dirprwy dros rywun arall gan wybod bod y person hwnnw'n anghymwys i bleidleisio yn ôl y gyfraith.  pleidleisio fel dirprwy yn y refferendwm dros fwy na dau berson nad ydych chi'n briod, yn bartner sifil, yn rhiant, yn nain neu'n fam-gu, yn dad-cu neu'n daid, yn

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grandchild.	frawd, yn chwaer, yn blentyn, ynŵyr neu'n wyres iddynt.
to vote more than once (other than as proxy for another elector) in the referendum.	pleidleisio fwy nag unwaith (ac eithrio fel dirprwy i etholwr(aig) arall) yn y refferendwm.
<b>Issued by the Counting Officer under the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010</b>	<b>Dosbarthwyd gan y Swyddog Cyfrif o dan Orchymyn Refferendwm Cynlliad Cenedlaethol Cymru (Darpariaethau Deddfau'r Cynlliad) (Cwestiwn y Refferendwm, Dyddiad y Refferendwm Etc.) 2010</b>
<i>[Where the poll card is sent to the proxy of an elector with anonymous registration, substitute the paragraphs marked 1,2 and 3 above with the corresponding paragraphs below.</i>	<i>[Pan fo'r cerdyn pleidleisio yn cael ei anfon at ddirprwy etholwr(aig) sydd â cholfrestriad dienw, rhodder yn lle'r paragraffau sydd wedi eu marcio â'r rhifau 1, 2 a 3 uchod y paragraffau cysatebol isod.</i>
(1) You must have this card with you when you vote. You cannot vote as proxy without it.	(1) Mae'n rhaid i chi fynd â'r cerdyn hwn gyda chi pan fyddwch yn pleidleisio. Chewch chi ddim pleidleisio fel dirprwy hebddo.
(2) To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show him/her this card.	(2) I bleidleisio fel dirprwy, rhaid i chi fynd i'r orsa! bleidleisio a ddangosir ar du blaen y cerdyn hwn. Gofynnwch am gael siarad â'r swyddog llywyddu a dangos y cerdyn hwn iddo/iddi.
(3) The presiding officer will confirm the entry on the register and give you your ballot paper.]	(3) Bydd y swyddog llywyddu'n cadarnhau'r cofnod ar y gofrestr ac yn rhoi eich papur pleidleisio i chi.]

#### Form H: Postal voter's form of poll card

Rule 15(7) of Schedule 3

*Front of poll card*

Referendum Official Postal Voter's Poll Card	Refferendwm Cerdyn Pleidleisio Swyddogol Pleidleisiwr Drwy'r Post
County/County borough ..... Sir/Bwrdeistref Sirol .....	This poll card is to tell you that you will receive a postal vote for this referendum because you have asked to vote by post at elections for the National Assembly for Wales or specifically for this referendum. <b>You will not be able to vote at a polling station.</b> Pwrpas y cerdyn pleidleisio hwn yw dweud wrthych y byddwch yn cael pleidlais drwy'r post ar gyfer y refferendwm hwn am eich bod wedi gofyn am gael pleidleisio drwy'r post mewn etholiadau ar gyfer Cynulliad Cenedlaethol Cymru neu'n benodol ar gyfer y refferendwm hwn. <b>Ni fyddwch yn gallu pleidleisio mewn Gorsaf Bleidleisio.</b>
Polling day/Diwrnod y pleidleisio .....	
Polling hours 7a.m. to 10p.m.. Oriau pleidleisio 7a.m. hyd 10p.m.	
*Name/Enw ..... *Address/Cyfeiriad ..... ....	<p>Your postal voting papers will be delivered on or soon after [insert day/date] addressed to [name and address]</p> <p>Danfonir eich papurau pleidleisio drwy'r post ar [mewnosoder y dydd/dyddiad] neu'n fuan wedi hynny at [enw a chyfeiriad]</p> <p>If your postal voting papers have not been delivered by [insert day/date] please telephone [help line number] for assistance Os na fydd eich papurau pleidleisio drwy'r post wedi eu danfon erbyn [mewnosoder y dydd/dyddiad] ffoniwch [rhif y llinell gymorth] i gael cymorth</p>
If you wish to cancel your postal vote please telephone [help line number] before 5p.m. on [insert date]. If you lose or accidentally spoil your postal ballot paper or postal voting statement, please telephone [help line number] as soon as possible. <b>Replacement ballot papers and postal voting statements cannot be issued after 5p.m. on [day/date of poll]</b>	

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<p><b>This card is for information only. You cannot vote in person at a polling station.</b></p> <p><b>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</b></p> <p>Os byddwch yn dymuno canslo eich pleidlais drwy'r post, ffoniwch [<i>rhify llinell gymorth</i>] cyn 5p.m. ar [<i>mewnosoder y dyddiad</i>].</p> <p>Os collwch neu os difethwch yn ddamweiniol eich papur pleidleisio neu ddatganiad y bleidlais drwy'r post, ffoniwch [<i>rhify llinell gymorth</i>] cyn gynted ag y bo modd. <b>Ni ellir darparu papurau pleidleisio a datganiadau pleidlais drwy'r post newydd ar ôl 5p.m. ar [<i>dydd/dyddiad y bleidlais</i>]</b></p> <p><b>Er gwybodaeth yn unig y mae'r cerdyn hwn. Chewch chi ddim pleidleisio eich hun mewn gorsaf bleidleisio.</b></p>
<p><b>GWELER YR WYBODAETH YCHWANEGOL AR GEFN Y CERDYN HWN</b></p>

<i>Back of Poll card</i>	
<b>Referendum</b>	<b>Refferendwm</b>
When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper.	Pan fyddwch yn derbyn eich pecyn pleidleisio drwy'r post, darllenwch y cyfarwyddiadau'n ofalus cyn llenwi eich papur pleidleisio drwy'r post.
Do not let anyone see your vote. If you need help to vote, the person helping you must not tell anyone how you have voted. You can get independent help from the counting officer; please call our help line on [Insert help line number].	Peidiwch â gadael i neb weld eich pleidlais. Os oes angen help arnoch i bleidleisio, ni chaiff y sawl sy'n eich cynorthwyo ddweud wrth unrhyw un sut rydych chi wedi pleidleisio. Gallwch gael cymorth annibynnol gan y swyddog cyfrif; ffoniwch ein llinell gymorth ar [Mewnosoder rhif y llinell gymorth].
You must sign (or mark) the postal voting statement (unless you have been granted a waiver by prior arrangement with the counting officer) and provide your date of birth. This is a security measure. It does not affect your vote or mean it can be identified.  Without your signature and date of birth, the statement is not valid and your vote will not be counted. The counting officer can cross check your signature against other records that he or she holds.	Rhaid i chi lofnodi (neu farcio) datganiad y bleidlais drwy'r post (onid ydych wedi cael hepgoriad drwy drefniant ymlaen llaw gan y swyddog cyfrif) a rhoi eich dyddiad geni. Mesur diogelwch yw hyn. Nid yw'n effeithio ar eich pleidlais nac yn golygu y gellir ei hadnabod.  Heb eich llofnod a'ch dyddiad geni, nid yw'r datganiad yn ddilys ac ni chaiff eich pleidlais ei chyfrif. Gall y swyddog cyfrif groeswirio eich llofnod â chofnodion eraill sydd yn ei feddiant.
If you lose or accidentally spoil your ballot paper or postal voting statement, please call the help line number as soon as possible. Replacement ballot papers and postal voting statements cannot be issued after 5p.m. on [day/date of the poll].	Os collwch neu os difethwch yn ddamweiniol eich papur pleidleisio neu datganiad pleidlais drwy'r post, ffoniwch rif y llinell gymorth cyn gynted ag y bo modd. Ni ellir darparu papurau pleidleisio a datganiadau pleidlais drwy'r post newydd ar ôl 5p.m. ar [dydd/dyddiad y bleidlais].
Complete and return your postal vote as soon as possible. The counting officer must receive your postal vote by 10 p.m. on [day/date of the poll]. If you have not posted your vote by the date of the poll, you can deliver your vote to any polling station in [name of county/county borough].	Llenwch a dychwelwch eich pleidlais drwy'r post cyn gynted ag y bo modd. Rhaid i'r swyddog cyfrif dderbyn eich pleidlais drwy'r post erbyn 10 p.m. ar [dydd/dyddiad y bleidlais]. Os na fyddwch wedi postio eich pleidlais erbyn dyddiad y pleidleisio, gallwch fynd â'ch pleidlais i unrhyw orsaf bleidleisio yn [enw'r sir/ fwrdiastref sirol].
<b>It is an offence to vote using a ballot paper that was not addressed to you.</b>	<b>Mae'n drosedd pleidleisio gan ddefnyddio papur pleidleisio nad oedd wedi'i gyfeirio atoch chi.</b>
If you want to vote in person in the referendum you must cancel your postal vote before 5p.m.on [insert date].	Os ydych chi eisiau pleidleisio'n bersonol yn y refferendwm hwn rhaid i chi ganslo'ch pleidlais drwy'r post cyn 5p.m. ar [mewnosoder y dyddiad].
<b>If you need any assistance, please call our help line on [Helpline number].</b>	<b>Os oes angen cymorth arnoch, ffoniwch ein llinell gymorth ar [Rhif y llinell gymorth].</b>
<b>Issued by the Counting Officer under the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010</b>	<b>Dosbarthwyd gan y Swyddog Cyfrif o dan Orchymyn Refferendwm Cynulliad Cenedlaethol Cymru (Darpariaethau Deddfau'r Cynulliad) (Cwestiwn y Refferendwm, Dyddiad y Refferendwm Etc.) 2010.</b>

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## Form I: Postal proxy voter's form of poll card

Rule 15(8) of Schedule 3

### Front of poll card

Referendum	Refferendwm
Official Postal Proxy Voter's Poll Card.	Cerdyn Pleidleisio Swyddogol Pleidleisiwr Drwy'r Post Fel Dirprwy
County/County borough .....	This poll card is to tell you that you may vote in this referendum on behalf of the elector named opposite. Your appointment to vote for this person as his/her proxy is either an existing appointment for elections to the National Assembly for Wales or an appointment made specifically for this referendum. You will receive a postal vote for the referendum because you have asked to vote by post at elections for the National Assembly for Wales or specifically for this referendum.
Sir/Bwrdeistref Sirol .....	
Polling day/ Diwrnod y pleidleisio .....	
Polling hours 7a.m. to 10p.m./ Oriau pleidleisio 7a.m. hyd 10p.m.	
Number on register/Rhif ar y gofrestr .....	
*(Elector's name/Enw'r etholwr(aig)) .....	<b>You will not be able to vote on behalf of the elector at a polling station.</b> Pwrrpas y cerdyn pleidleisio hwn yw dweud wrthych y cewch bleidleisio yn y refferendwm hwn ar ran yr etholwr(aig) a enwir gyferbyn. Mae'ch penodiad i bleidleisio ar ran y person hwn fel ei ddirprwy naill ai'n benodiad sy'n bodoli eisoes ar gyfer etholiadau i Gynulliad Cenedlaethol Cymru neu'n benodiad sydd wedi ei wneud yn benodol ar gyfer y refferendwm hwn. Byddwch yn cael pleidlais drwy'r post ar gyfer y refferendwm am eich bod wedi gofyn am gael pleidleisio drwy'r post mewn etholiadau ar gyfer Cynulliad Cenedlaethol Cymru neu'n benodol ar gyfer y refferendwm hwn. <b>Ni fyddwch yn gallu pleidleisio ar ran yr etholwr(aig) mewn Gorsaf Bleidleisio.</b>
(* To be omitted where the poll card is being sent to the proxy of an elector with anonymous registration. Poll card being sent to the proxy of an elector with anonymous registration must be delivered in a sealed envelope)	
If your postal voting papers have not been delivered by [insert day/date] please telephone [help line number] for assistance. (*I w hepgor pan fo'r cerdyn pleidleisio yn cael ei anfon at etholwr(aig) sydd â chofrestriad dienw. Rhaid i gerbyn pleidleisio sy'n cael ei anfon at etholwr(aig) sydd â chofrestriad dienw gael ei ddanfon mewn amlin seliedig.)	
Os na fydd eich papurau pleidleisio drwy'r post wedi eu danfon erbyn [mewn osoder y dydd/dyddiad] ffoniwch [rhif y llinell gymorth] i gael cymorth.	
	<b>Your postal proxy voting papers will be delivered on or soon after [insert day/date] addressed to</b> <b>*[name and address [proxy]]</b> <b>Danfonir eich papurau pleidleisio drwy'r post fel dirprwy ar [mewn osoder y dydd/dyddiad] neu'n fuan wedyn at</b> <b>*[enw a chyfeiriad fy dirprwy]</b>
If you wish to cancel your postal proxy vote please telephone [help line number] before 5p.m.on [insert date].	
If you lose or accidentally spoil the postal ballot paper or postal voting statement, please telephone [help line number] as soon as possible. <b>Replacement ballot papers and postal voting statements cannot be issued after 5p.m. on [day/date of the poll].</b>	
This card is for information only. You cannot vote in person at a polling station	

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**SEE FURTHER INFORMATION ON THE BACK OF THIS CARD**

Os byddwch yn dymuno canslo eich pleidlais drwy'r post fel dirprwy, ffoniwch [rhif y llinell gymorth] cyn 5p.m. ar [mewnosoder y dyddiad].

Os collwch neu os difethwch yn ddamweiniol y papur pleidleisio drwy'r post neu ddatganiad y bleidlais drwy'r post, ffoniwch [rhif y llinell gymorth] cyn gynted ag y bo modd. **Ni ellir darparu papurau pleidleisio a datganiadau pleidlais drwy'r post newydd ar ôl 5p.m. ar [dydd/dyddiad y bleidlais].**

**Er gwybodaeth yn unig y mae'r cerdyn hwn. Chewch chi ddim pleidleisio eich hun mewn gorsaf bleidleisio.**

**GWELER YR WYBODAETH YCHWANEGOL AR GEFN Y CERDYN HWN**

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*Back of Poll Card*

Referendum	Refferendwm
When you receive the postal voting pack, please read the instructions with it very carefully before completing the postal ballot paper.	Pan fyddwch yn derbyn y pecyn pleidleisio drwy'r post, darllenwch y cyfarwyddiadau'n ofalus iawn cyn llenwi'r papur pleidleisio drwy'r post.
Do not let anyone see your vote. If you need help to vote, the person helping you must not disclose how you voted. You can get independent help from the counting officer; please call our help line on [Insert help line number].	Peidiwch â gadael i neb weld eich pleidlais. Os oes angen help arnoch i bleidleisio, ni chaiff y sawl sy'n eich cynorthwyo ddatgeli sut rydych chi wedi pleidleisio. Gallwch gael cymorth annibynnol gan y swyddog cyfrif; ffoniwch ein llinell gymorth ar [Mewnosoder rhif y llinell gymorth].
You must sign (or mark) the postal voting statement (unless you have been granted a waiver by prior arrangement with the counting officer) and provide your date of birth. This is a security measure. It does not affect your vote or mean it can be identified. Without your signature and date of birth, the statement is not valid and your vote will not be counted. The counting officer can cross check your signature against other records he or she holds.	Rhaid i chi lofnodi (neu farcio) datganiad y bleidlais drwy'r post (onid ydych wedi cael hepgoriad drwy drefniant ymlaen llaw gan y swyddog cyfrif) a rhoi eich dyddiad geni. Mesur diogelwch yw hwn. Nid yw'n effeithio ar eich pleidlais nac yn golygu y gellir ei hadnabod. Heb eich llofnod a'ch dyddiad geni, nid yw'r datganiad yn ddilys ac ni chaiff eich pleidlais ei chyfrif. Gall y swyddog cyfrif groeswirio eich llofnod â chofnodion eraill sydd yn ei feddiant.
If you lose or accidentally spoil the ballot paper or postal voting statement, please call the help line number as soon as possible. Replacement ballot papers and postal voting statements cannot be issued after 5p.m. on [day/date of the poll].	Os collwch neu os difethwch yn ddamweiniol y papur pleidleisio neu ddatganiad pleidlais drwy'r post, ffoniwch rif y llinell gymorth cyn gynted ag y bo modd. Ni ellir darparu papurau pleidleisio a datganiadau pleidlais drwy'r post newydd ar ôl 5p.m. ar [dydd/dyddiad y bleidlais].
Complete and return the postal vote as soon as possible. The counting officer must receive the postal vote by 10p.m. on [day/date of poll]. If you have not posted your vote by the date of the poll, you can deliver your vote to any polling station in [name of county/county borough].	Llenwch a dychwelwch y bleidlais drwy'r post cyn gynted ag y bo modd. Rhaid i'r swyddog cyfrif dderbyn y bleidlais drwy'r post erbyn 10p.m. ar [dydd/dyddiad y bleidlais]. Os na fyddwch wedi postio eich pleidlais erbyn dyddiad y pleidleisio, gallwch fynd â'ch pleidlais i unrhyw or saf bleidleisio yn [enw'r sir/fwrdeistref sirol].
<b>It is an offence to vote using a ballot paper that was not addressed to you.</b>	<b>Mae'n drosedd pleidleisio gan ddefnyddio papur pleidleisio nad oedd wedi'i gyfeirio atoch chi.</b>
It is illegal to do any of the following	Mae'n anghyfreithlon gwneud unrhyw un o'r canlynol  pleidleisio fel dirprwy dros rywun arall gan wybod bod y person hwnnw'n anghymwys i bleidleisio yn ôl y gyfraith.  pleidleisio fel dirprwy yn y refferendwm dros fwy na dau berson nad ydych chi'n briod, yn bartner sifil, yn rhiant, yn nain neu'n fam-gu, yn dad-cu neu'n daid, yn frawd, yn chwaer, yn blentyn neu'nŵyr neu'n wyres iddynt.  pleidleisio fwy nag unwaith (ac eithrio fel

referendum.	dirprwy i etholwr(aig) arall) yn y refferendwm.
If you want to vote in person as a proxy in the referendum at a polling station you must cancel your postal proxy vote before 5p.m. on [insert date].	Os ydych chi eisiau pleidleisio'n bersonol fel dirprwy yn y refferendwm hwn mewn gorsaf bleidleisio rhaid i chi ganslo'ch pleidlais drwy'r post fel dirprwy cyn 5p.m. ar [mewnosoder y dyddiad].
<b>Issued by the Counting Officer under the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010</b>	Dyroddwyd gan y Swyddog Cyfrif o dan Orchymyn Refferendwm Cynulliad Cymru (Darpariaethau Deddfau'r Cynulliad) (Cwestiwn y Refferendwm, Dyddiad y Refferendwm Etc.) 2010

## **Form J: Form of corresponding number list for use by presiding officers in polling stations**

Rule 16(3)(d) of Schedule 3

## **Form K: Form of directions for the guidance of voters in voting**

Rule 16(14) of Schedule 3

### **Guidance for Voters**

1. When you are given the ballot paper go to one of the compartments. Vote (X) in one box only on the ballot paper. Put no other mark on the ballot paper, or your vote may not be counted. Do not let anyone see your vote.
2. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.
3. Fold the ballot paper so as to conceal your vote. Show the back of the ballot paper to the presiding officer so as to disclose the number and other unique identifying mark. Put the ballot paper in the ballot box and leave the polling station.

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### **Cyfarwyddyd i Bleidleiswyr**

1. Pan gewch chi bapur pleidleisio, ewch i un o'r bythau. Pleidleisiwch (X) mewn un blwch yn unig ar y papur pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif. Peidiwch â gadael i neb weld eich pleidlais.
2. Os bydd i chi drwy gamgymeriad ddifetha papur pleidleisio, dangoswch ef i'r swyddog llywyddu a gofyn am un arall.
3. Plygwch y papur pleidleisio er mwyn cuddio eich pleidlais. Dangoswch gefn y papur pleidleisio i'r swyddog llywyddu er mwyn dangos y rhif a'r marc adnabod unigryw arall. Rhowch y papur pleidleisio yn y blwch pleidleisio ac ymadael â'r orsaf bleidleisio.

### **Form L: Form of certificate of employment**

Rule 20(6) of Schedule 3

### Referendum

County/County Borough [Insert name of county/county borough]

I certify that (name).....who is numbered .....in the register of electors for the county/county borough named above, cannot reasonably be expected to go in person to the polling station allotted to \*him/her at the referendum on (date of poll)..... by reason of the particular circumstances of \*his/her employment on that date for a purpose connected with the referendum—

\*(a) as a constable

(b) by me.

\* delete whichever is inapplicable

Signature:.....

\*Counting Officer/\*Police Officer (Inspector or above)

Date.....

Note— The person named above is entitled to vote at any polling station in the above county/county borough on production and surrender of this certificate to the presiding officer.

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### Refferendwm

Sir/Bwrdeistref Sirol [Mewnosoder enw'r sir/fwrdeistref sirol]

Yr wyf yn ardystio nad yw'n rhesymol disgwyl i (enw) .....sydd wedi ei r(h)ifo .....yng nghofrestr yr etholwyr ar gyfer y sir/fwrdeistref sirol a enwyd uchod, fynd yn bersonol i'r orsaф bleidleisio a bennwyd ar ei \*gyfer/chyfer yn y refferendwm ar (dyddiad y bleidlais).....oherwydd amgylchiadau neilltuol ei \*gyflogaeth/chyflogaeth ar y dyddiad hwnnw at bwrcas sy'n gysylltiedig â'r refferendwm—

\*(a) fel cwNSTabl

(b) gennyf fi

\* dileer p'un bynnag sy'n anghymwys

Llofnod.....

\*Swyddog Cyfrif/\*Swyddog Heddlu (Arolygydd neu'n uwch)

Dyddiad .....

Nodyn— Mae gan y person a enwyd uchod hawl i bleidleisio mewn unrhyw orsaф bleidleisio yn y sir/fwrdeistref sirol uchod ar yr amod ei fod/bod yn dangos ac yn ildio'r dystysgrif hon i'r swyddog llywyddu.

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### Form M: Form of declaration to be made by the companion of a voter with disabilities

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 27(6)(a) of Schedule 3

### Referendum

I, A.B., of ..... having been requested to assist C.D., (*in the case of a voter with disabilities voting as proxy add [voting as proxy for M.N.]*) whose number on the register is ..... to record [his][her] vote in the referendum now being held in [Wales], hereby declare that [I am entitled to vote as an elector at the said referendum] [I am the [father] [mother] [grandparent][brother] [sister] [spouse] [civil partner] [son] [daughter] of the said voter and have attained the age of 18 years], and that I have not previously assisted any voter with disabilities [except E.F., of .....] to vote at the said referendum.

(Signed) A.B.

..... day of .....

I, the undersigned, being the presiding officer for the ..... polling station in the ..... County/County Borough, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) G.H., ..... day of .....

at ..... minutes past ..... o'clock (a.m.) (p.m.)

NOTE—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he or she will be guilty of an offence.

A voter with disabilities is a voter who has made a declaration under Schedule 3 to the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010 that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote without assistance.

### Refferendwm

Yr wyf fi, A.B. o ..... , ar ôl cael cais i gynorthwyo C. D., (*yn achos pleidleisiwr anabl sy'n gweithredu fel dirprwy ychwanegor [sy'n pleidleisio fel dirprwy ar ran M.N.], sef rhif ..... ar y gofrestr, i gofnodi ei bleidlais yn y refferendwm a gynhelir yn awr yng [Nghymru], yn datgan drwy hyn [fod gennyf hawl i bleidleisio fel etholwr(aig) yn y refferendwm a enwyd] [mai fi yw [tad] [mam][taid neu dad-cu] [ mam-gu neu nain ] [brawd] [chwaer] [priod] [partner sifil] [mab] [merch]y pleidleisiwr a enwyd ac wedi cyrraedd fy 18 mlwydd oed], ac na fu i mi o'r blaen gynorthwyo unrhyw bleidleisiwr anabl [ac eithrio E.F., o ..... ] i bleidleisio yn y refferendwm a enwyd.*

(Llofnodwyd) A.B.,

y.....dydd o fis.....

Yr wyf fi, y gwelir fy llofnod isod, sef swyddog llywyddu gorsaf bleidleisio.....

..... ar gyfer Sir/Bwrdeistref Sirol....., yn ardystio drwy hyn fod y datganiad uchod wedi ei ddarllen i ddechrau yng nghlyw'r datganydd a enwir uchod, a bod y datganydd wedi ei lofnodi wedyn yn fy ngŵydd.

(Llofnodwyd) G.H., y.....dydd o fis.....

am.....munud wedi.....o'r gloch (a.m.) (p.m.)

NODYN—Os bydd y person sy'n gwneud y datganiad uchod yn ymwybodol ac yn fwriadol yn dweud rhywbeth ffug ynddo ynglŷn ag unrhyw fater o bwys, bydd yn euog o drosedd.

Pleidleisiwr ag anableddau yw pleidleisiwr sydd wedi gwneud datganiad dan Atodlen 3 i Orchymyn Refferendwm Cynulliad Cenedlaethol Cymru (Darpariaethau Deddfau'r Cynulliad) (Cwestiwn y Refferendwm, Dyddiad y Refferendwm Etc.) 2010 ei fod wedi'i analluogi gymaint gan ei ddallineb neu analluedd arall, neu gan ei anallu i ddarllen, fel na all bleidleisio heb gymorth.

**Form N: Form of certificate by Counting Officer under section 128(5) of the Political Parties, Elections and Referendums Act 2000**

Rule 39(1)(a) of Schedule 3

### **Referendum**

Certification by the counting officer for the \*county/county borough of (*insert name of county/county borough*) in respect of the referendum under the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010 held on (*insert day/date of poll*).

As the counting officer appointed for the \*county/county borough of (*insert name of county/county borough*) at the referendum under the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010 held on (*insert day/date of the poll*), I hereby certify that as respects the number of votes cast in that \*county/county borough,

the number of ballot papers counted by me is .....

the number of votes cast in favour of YES is .....

the number of votes cast in favour of NO is .....

Signature: .....

Counting Officer

Date .....

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### **Refferendwm**

Ardystiad gan y swyddog cyfrif ar gyfer \*sir/bwrdeistref sirol (*mewnosoder enw'r sir/fwrdeistref sirol*) mewn cysylltiad â'r refferendwm o dan Orchymyn Refferendwm Cynulliad Cenedlaethol Cymru (Darpariaethau Deddfau'r Cynulliad) (Cwestiwn y Refferendwm, Dyddiad y Refferendwm Etc.) 2010 a gynhaliwyd ar (*mewnosoder dydd/dyddiad y bleidlais*).

Fel y swyddog cyfrif a benodwyd ar gyfer \*sir/bwrdeistref sirol (*mewnosoder enw'r sir/fwrdeistref sirol*) yn y refferendwm o dan Orchymyn Refferendwm Cynulliad Cenedlaethol Cymru (Darpariaethau Deddfau'r Cynulliad) (Cwestiwn y Refferendwm, Dyddiad y Refferendwm Etc.) 2010 a gynhaliwyd ar (*mewnosoder dydd/dyddiad y bleidlais*), yr wyf i drwy hyn yn ardystio'r canlynol o ran nifer y pleidleisiau a fwriwyd yn y \*sir honno/y fwrdeistref sirol honno,

nifer y papurau pleidleisio a gyfrifwyd gennyl i yw .....

nifer y pleidleisiau a fwriwyd o blaid YDW yw .....

nifer y pleidleisiau a fwriwyd o blaid NAC YDW yw .....

Llofnod .....

Swyddog Cyfrif

Dyddiad.....

**Form O: Form of certificate by Chief Counting Officer under section 128(6) of the Political Parties, Elections and Referendums Act 2000**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 40(1) of Schedule 3

### **Referendum**

Certification by the Chief Counting Officer for Wales in respect of the referendum under the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010 held on (*insert day/date of poll*).

As the Chief Counting Officer for Wales at the referendum under the National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010 held on (*insert day/date of the poll*), I hereby certify that as respects the number of votes cast in Wales,

the total number of ballot papers counted is .....  
 the total number of votes cast in favour of YES is .....  
 the total number of votes cast in favour of NO is .....

Signature .....

Chief Counting Officer

Date: .....

### **Refferendwm**

Ardystiad gan Brif Swyddog Cyfrif Cymru mewn cysylltiad â'r refferendwm o dan Orchymyn Refferendwm Cynulliad Cenedlaethol Cymru (Darpariaethau Deddfau'r Cynulliad) (Cwestiwn y Refferendwm, Dyddiad y Refferendwm Etc.) 2010 a gynhalwyd ar (*mewnosoder dydd/dyddiad y bleidlais*).

Fel Prif Swyddog Cyfrif Cymru yn y refferendwm o dan Orchymyn Refferendwm Cynulliad Cenedlaethol Cymru (Darpariaethau Deddfau'r Cynulliad) (Cwestiwn y Refferendwm, Dyddiad y Refferendwm Etc.) 2010 a gynhalwyd ar (*mewnosoder dydd/dyddiad y bleidlais*), yr wyf i drwy hyn yn ardystio'r canlynol o ran nifer y pleidleisiau a fwriwyd yng Nghymru mai

cryfanswm y papurau pleidleisio a gyfrifwyd yw .....

cryfanswm y pleidleisiau a fwriwyd o blaid YDW yw .....

cryfanswm y pleidleisiau a fwriwyd o blaid NAC YDW yw.....

Llofnod.....

Prif Swyddog Cyfrif .....

Dyddiad .....

### **EXPLANATORY NOTE**

(*This note is not part of the Order*)

Section 103 of and Schedule 6 to the Government of Wales Act 2006 (c.32) ("the 2006 Act") empowers Her Majesty, by Order in Council, to provide for the holding of a referendum throughout Wales about whether the Assembly Act provisions in the 2006 Act should come into force. The Assembly Act provisions are sections 107, 108 and 110 -115 of the 2006 Act. Those sections will be brought into force, by Order made by the Welsh Ministers, if a majority of voters in the referendum vote "yes" to the referendum question. The Assembly Act provisions provide for the legislative

competence of the National Assembly for Wales to be defined by reference to Schedule 7 of the 2006 Act (rather than by Schedule 5 as currently) and for the Assembly to make laws, that can make any provision that an Act of Parliament can make provided they are within that competence. These laws will be known as Acts of the National Assembly for Wales (or Assembly Acts).

If the majority of voters in the referendum vote “no” to the referendum question, then there will be no change to the current arrangements, which are that the National Assembly for Wales has legislative competence to pass Measures in relation to the matters listed in Schedule 5 to the 2006 Act.

In addition to section 103 of and Schedule 6 to the 2006 Act, Part 7 of the Political Parties, Elections and Referendums Act 2000 ([c.41](#)) (“the 2000 Act”) also makes provision for the conduct of referendums within the UK including any held just in Wales. Part 7 of the 2000 Act applies to a referendum under section 103 of the 2006 Act. In particular, section 128 of the 2000 Act provides that there shall be a Chief Counting Officer for the referendum who appoints counting officers to conduct such a referendum in the voting areas in Wales. Voting areas are the county and county boroughs in Wales. The franchise for the referendum is that for Assembly elections, i.e. those registered to vote in local government elections. Paragraph 2 of Schedule 6 to the 2006 Act provides that an Order in Council under section 103(1) can make provision for and in connection with the referendum and this includes applying or incorporating with or without modifications any enactment relating to referendums, elections or donations. “Enactment” is defined in section 158(1) of the 2006 Act and includes subordinate legislation. Schedule 6 also sets out what must be included in an Order in Council made under section 103 of the 2006 Act.

This Order in Council made under section 103 and Schedule 6 provides for the holding of a referendum throughout Wales about whether the Assembly Act provisions should come into force and prescribes the procedure to be followed for the conduct of that referendum.

The provisions of the Order are largely based on existing electoral law precedents (e.g. the corresponding provisions applicable in Assembly general elections as set out in the National Assembly for Wales (Representation of the People Order) 2007 ([S.I. 2007/236](#))).

Article 3 provides for the holding of the referendum and that the poll at the referendum must take place on 3rd March 2011.

Article 4 prescribes the question and the statement that are to appear on the ballot paper in the referendum. The form of the ballot paper is prescribed in Schedule 6 to the Order in Council (Form D). Before a draft of this Order in Council was laid before Parliament and the National Assembly for Wales, the Secretary of State for Wales consulted the Electoral Commission on the wording of the question and statement as required by section 104(4)(a) of the 2000 Act and, as required by section 104(4)(b), has laid with the draft Order in Council, a report setting out the Electoral Commission’s views on the intelligibility of the question and the statement. A copy of that report has also been sent to the First Minister of Wales, as required by paragraph 3(3) of Schedule 6 to the 2006 Act, so that he may lay it before the Assembly in accordance with paragraph 3(4) of that Schedule.

Article 5 makes provision about the referendum period. This period starts on the day that the Order in Council comes into force (i.e. 16th December 2010) and ends with the date of the poll at the referendum (3rd March 2011). This period engages provisions in Part 7 of the 2000 Act. In particular, persons intending to incur expenditure over £10,000 during the referendum period must notify the Electoral Commission who will register them as permitted participants (see section 105 of the 2000 Act). The Electoral Commission has the function of designating one permitted participant as an organisation to lead the “Yes” campaign and one to lead the “No” campaign in the referendum and make available assistance, including grants, to such organisations (see sections 108 - 110 of the 2000 Act).

Normally, those who wish to apply to the Electoral Commission to be the designated organisations must apply within 28 days of the start of the referendum period. However, for the purpose of this referendum that period is extended to 35 days to take into account the seasonal holidays (see article 3 of the National Assembly for Wales Referendum (Assembly Act Provisions) (Limit on Referendum

Expenses Etc.) Order 2010). Following that period the Electoral Commission must consider the applications and decide whether to designate organisations within 14 days. Paragraph 8 of Schedule 6 to the 2006 Act applies in the event that the Electoral Commission has not, at the end of that 14 day period, designated any organisations to lead the “Yes” and “No” campaigns. In that case the Electoral Commission may provide information to those entitled to vote in the referendum about the arguments for each answer to the referendum question (see paragraph 8(2) of Schedule 6 to the 2006 Act). This is a complementary power to that conferred by Article 16 which gives the Electoral Commission the power to promote public awareness throughout the referendum campaign, not just after the conclusion at the designated period.

Article 6 provides that the polling districts and places to be used in the referendum are those that would be used at an election to county and county borough councils in Wales.

Article 7 and Schedules 1 and 2 make provision as to:

- the manner of voting (including for absent voters, voting by post and by proxy) in the referendum;
- the register of electors; and
- the issue and receipt of postal ballot papers.

Article 8 and Schedule 3 set out the rules for the conduct of the referendum (the Referendum Rules). Generally, the Referendum Rules are based on those that would apply if an Assembly general election were held on the day of the poll but with appropriate modifications to reflect that this is a referendum on a proposal and not an election with candidates.

Articles 9 to 11 make provision in respect of the Chief Counting Officer and counting officers that is in addition to that in section 128 of the 2000 Act. In particular these articles provide for:

- the Chief Counting Officer to appoint one or more Deputy Chief Counting Officers to assist the Chief Counting Officer;
- the appointment by counting officers of persons to assist them;
- the issuing of directions by the Chief Counting Officer to counting officers as to the exercise of their functions.
- Article 12 empowers counting officers (including the Chief Counting Officer and any Deputy Counting Officer) to correct procedural errors made by them and certain other officers and persons assisting them in the referendum.

Articles 13 to 15 make provision for the funding of counting officers and scrutiny of their expenditure. In particular:

- article 13(1) empowers the Welsh Ministers to determine by order the maximum amount that counting officers can recover for their fees and charges in the referendum;
- article 13(3) empowers the Welsh Ministers to authorise payment above such maximum in specified circumstances;
- article 13(7) requires the Welsh Ministers to pay counting officers on the submission of an account;
- article 13(10) empowers the Welsh Ministers to make regulations as to these accounts by counting officers;
- article 13(11) provides that payments by the Welsh Ministers under article 13 are a charge on the Welsh Consolidated Fund;
- article 14 provides for application to the county court for a counting officer’s account to be taxed by the court;
- article 15 empowers Her Majesty’s Treasury to direct the Welsh Ministers to prepare accounts in respect of their expenditure in relation to the referendum.

Article 16 empowers the Electoral Commission to take such steps as they think appropriate to promote public awareness in Wales about:

- the referendum;
- the subject matter of the referendum; and
- how to vote in the referendum.

Article 17 provides for the Electoral Commission to be supplied by electoral registration officers with free copies of the full register of electors to be used in relation to the referendum.

Article 18 provides for a permitted participant in the referendum to appoint a referendum agent for a voting area to act on behalf of that permitted participant. A referendum agent can appoint polling agents to attend polling stations and counting agents to attend the count (see rule 17 of the Referendum Rules).

Articles 19 to 22 provide respectively for:

- translation of certain documents to be used in the referendum;
- issuing of public notices;
- sending applications and using electronic signatures;
- publication of documents and taking copies.

Articles 23 and 24 provide for matters relating to advertisements and non-domestic rating which correspond to provision applying in relation to elections.

Article 25 provides for equipment such as ballot boxes and compartments used at Parliamentary and local government elections to be lent to counting officers for use in the referendum.

Article 26 and Schedule 4 make provision for offences in connection with the referendum. Generally, these correspond to offences that apply to elections.

Article 27 and Schedule 5 provide for the application to the referendum of some enactments relating to elections and referendum, with modifications. Schedule 5 makes provision for a charge to be made on the Welsh Consolidated Fund. This is for the charges payable to universal service provider for the distribution of a leaflet from each lead organisation of the yes and no campaigns (the designated organisations), which the designated organisations are entitled to.

Article 28 and Schedule 6 make provision for the forms to be used in the referendum. Apart from the ballot paper (Form D) these forms can be adapted as circumstances may require. This includes adaptation by electoral registration and counting officers to use any electronic templates of forms provided for their use by the Electoral Commission. This would also include varying the format of forms that are set out in English and in Welsh in Schedule 6.

This Order should be read in conjunction with the National Assembly for Wales Referendum (Assembly Act Provisions) (Limit on Referendum Expenses) 2010, which sets out the limit on referendum expenses that can be incurred by different categories of permitted participants.