



# Referendums (Scotland and Wales) Act 1997

## 1997 CHAPTER 61

An Act to make provision for the holding of a referendum in Scotland on the establishment and tax-varying powers of a Scottish Parliament and a referendum in Wales on the establishment of a Welsh Assembly; and for expenditure in preparation for a Scottish Parliament or a Welsh Assembly. [31st July 1997]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Referendum in Scotland.**

- (1) On 11th September 1997, a referendum shall be held in Scotland on the establishment and tax-varying powers of a Scottish Parliament.
- (2) The propositions to be voted on in the referendum and the front of the ballot papers to be used for that purpose shall be in the form set out in Schedule 1.
- (3) Those entitled to vote in the referendum shall be the persons who, on the date of the referendum, would be entitled to vote as electors at a local government election in any electoral area in Scotland.

But an alteration in a register of electors under section 11(1) or (2) or 57 of the <sup>MI</sup>Representation of the People Act 1983 (correction of registers and registration appeals) shall not have effect for the purposes of the referendum unless it is made before the start of the period of eleven days ending with the date of the referendum.

- (4) The Secretary of State shall appoint a Chief Counting Officer for Scotland.
- (5) The Chief Counting Officer shall appoint a counting officer for each local government area in Scotland.

*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)*

- (6) Each counting officer shall—
- (a) conduct the counting of votes cast in the area for which he is appointed in accordance with paragraph 11 of Schedule 3 and any directions given by the Chief Counting Officer, and
  - (b) certify, for each of the two forms of ballot paper, the number of ballot papers counted by him and the number of votes cast for each proposition.
- (7) The Chief Counting Officer shall certify, for each of the two forms of ballot paper, the total of—
- (a) the ballot papers counted, and
  - (b) the votes cast for each proposition,
- for the whole of Scotland.

#### Marginal Citations

M1 1983 c. 2.

## 2 Referendum in Wales.

- (1) On 18th September 1997, a referendum shall be held in Wales on the establishment of a Welsh Assembly.
- (2) The propositions to be voted on in the referendum and the front of the ballot paper to be used for that purpose shall be in the form set out in Schedule 2.
- (3) Those entitled to vote in the referendum shall be the persons who, on the date of the referendum, would be entitled to vote as electors at an election for a county council or county borough council in Wales.  
  
 But an alteration in a register of electors under section 11(1) or (2) or 56 of the Representation of the <sup>M2</sup>People Act 1983 (correction of registers and registration appeals) shall not have effect for the purposes of the referendum unless it is made before the start of the period of eleven days ending with the date of the referendum.
- (4) The Secretary of State shall appoint a Chief Counting Officer for Wales.
- (5) The Chief Counting Officer shall appoint a counting officer for each county or county borough in Wales.
- (6) Each counting officer shall—

  - (a) conduct the counting of votes cast in the area for which he is appointed in accordance with paragraph 11 of Schedule 3 and any directions given by the Chief Counting Officer, and
  - (b) certify the number of ballot papers counted by him and the number of votes cast for each proposition.

- (7) The Chief Counting Officer shall certify the total of—

  - (a) the ballot papers counted, and
  - (b) the votes cast for each proposition,

for the whole of Wales.

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**Marginal Citations**

M2 1983 c. 2.

**3 Referendums: supplementary.**

Schedule 3 (conduct of the referendums, etc.) shall have effect.

**4 Exclusion of legal proceedings.**

No court shall entertain any proceedings for questioning the number of ballot papers counted or votes cast as certified by a Chief Counting Officer or counting officer appointed in accordance with section 1(4) or (5) or 2(4) or (5).

**5 Expenditure.**

- (1) There shall be charged on and paid out of the Consolidated Fund any expenditure which is to be charged on and paid out of that Fund by virtue of any enactment applied by Schedule 3.
- (2) Any expenditure of a Minister of the Crown—
  - (a) in connection with a referendum held by virtue of this Act, or
  - (b) in preparation for a Scottish Parliament or a Welsh Assembly,shall be paid out of money provided by Parliament.

**6 Short title.**

This Act may be cited as the Referendums (Scotland and Wales) Act 1997.

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# SCHEDULES

## SCHEDULE 1

Section 1(2).

### REFERENDUM IN SCOTLAND

#### PART I

Parliament has decided to consult people in Scotland on the Government's proposals for a Scottish Parliament:

Put a cross (X) in the appropriate box

I AGREE THAT THERE SHOULD BE A SCOTTISH PARLIAMENT

OR

I DO NOT AGREE THAT THERE SHOULD BE A SCOTTISH PARLIAMENT

#### PART II

Parliament has decided to consult people in Scotland on the Government's proposals for a Scottish Parliament to have tax-varying powers:

Put a cross (X) in the appropriate box

I AGREE THAT A SCOTTISH PARLIAMENT SHOULD HAVE TAX-VARYING POWERS

OR

I DO NOT AGREE THAT A SCOTTISH PARLIAMENT SHOULD HAVE TAX-VARYING POWERS

SCHEDULE 2

Section 2(2).

Parliament has decided to consult people in Wales on the Government's proposals for a Welsh Assembly:

Mae'r Senedd wedi penderfynu ymgynghori â phobl yng Nghymru ar gynigion y Llywodraeth ar gyfer Cynulliad i Gymru:

Put a cross (X) in the appropriate box

Rhowch groes (X) yn y blwch priodol

<p>I AGREE THAT THERE SHOULD BE A WELSH ASSEMBLY YR WYF YN CYTUNO Y DYLLID CAEL CYNULLIAD I GYMRU</p>	
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OR

NEU

<p>I DO NOT AGREE THAT THERE SHOULD BE A WELSH ASSEMBLY NI'D WYF YN CYTUNO Y DYLLID CAEL CYNULLIAD I GYMRU</p>	
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SCHEDULE 3

Section 3.

CONDUCT OF THE REFERENDUMS, ETC.

- 1 The provisions of this Schedule shall have effect in relation to the referendums under sections 1 and 2.

*Time*

- 2 (1) In calculating any period of time for the purposes of any provision of, or applied by, this Act, the following days shall be disregarded.
- (2) In relation to the referendum in Scotland, the days are—
- (a) a Saturday or Sunday, and
  - (b) a day which is a bank holiday under the <sup>M3</sup>Banking and Financial Dealings Act 1971 in Scotland.
- (3) In relation to the referendum in Wales, the days are—
- (a) a Saturday or Sunday, and
  - (b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales.

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**Marginal Citations**

**M3** 1971 c. 80.

*Advertisements*

- 3 (1) The <sup>M4</sup>Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 shall have effect in relation to the display on any site in Scotland of an advertisement relating specifically to the referendum under section 1 of this Act as they have effect in relation to the display of an advertisement relating specifically to a Parliamentary election.
- (2) The <sup>M5</sup>Town and Country Planning (Control of Advertisements) Regulations 1992 shall have effect in relation to the display on any site in Wales of an advertisement relating specifically to the referendum under section 2 of this Act as they have effect in relation to the display of an advertisement relating specifically to a Parliamentary election.

**Marginal Citations**

**M4** S.I. 1984/467.

**M5** S.I. 1992/666.

*Premises used for election purposes*

- 4 (1) In relation to premises in Scotland, section 98 of the <sup>M6</sup>Representation of the People Act 1983 (premises not affected for rates) shall have effect as if the reference to public meetings in furtherance of a person's candidature at an election included a reference to public meetings promoting a particular result in the referendum under section 1 of this Act.
- (2) In relation to premises in Wales, section 65(6) of the <sup>M7</sup>Local Government Finance Act 1988 (occupation for election meetings and polls) shall have 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 promoting a particular result in the referendum under section 2 of this Act, 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 person exercising functions of a returning officer in accordance with paragraph 5(1)(b) of this Schedule for the purposes of taking the poll in the referendum under section 2 of this Act.

**Marginal Citations**

**M6** 1983 c. 2.

**M7** 1988 c. 41.

*Returning officers and counting officers*

- 5 (1) Functions conferred by this Schedule on the returning officer shall be exercised—

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- (a) in each local government area in Scotland, by the person who, under section 41 of the Representation of the People Act 1983 (local government elections in Scotland) is, or may discharge the functions of, the returning officer at an election of councillors for that area,
  - (b) in each county or county borough in Wales, by the person who is for the time being appointed to act as returning officer for that county or county borough under section 35(1A)(a) of the Representation of the People Act 1983 (local government elections in Wales).
- (2) A returning officer may, in writing, appoint one or more persons to discharge all or any of his functions.
- (3) It is the returning officer's general duty at a referendum to do all such acts and things as may be necessary for effectually conducting the referendum in the manner provided by this Schedule.
- 6 (1) In Scotland, the council for a local government area shall place the services of its officers at the disposal of any person who is acting as returning officer or counting officer in relation to that area.
- (2) In Wales, the council for any county or county borough shall place the services of its officers at the disposal of any person who is acting as returning officer or counting officer in relation to that county or county borough.
- 7 A counting officer may, in writing, appoint one or more persons to discharge all or any of his functions.
- 8 (1) Order 45, rule 1 of the <sup>M8</sup>County Court Rules 1981 (application for taxation of returning officer's account under section 30 of the Representation of the People Act 1983) shall have effect in relation to applications made under section 30 of that Act as applied by paragraph 13(2) below.
- (2) For the purpose of sub-paragraph (1), a reference in Order 45, rule 1 to a returning officer shall be construed as a reference to a returning officer, a counting officer or a Chief Counting Officer.

**Marginal Citations**

**M8** S.I. 1981/1687.

*Hours of polling*

- 9 The hours of polling shall be between 7 a.m. and 10 p.m.

*The ballot papers*

- 10 (1) The back of the ballot papers shall be in the form set out in the Appendix.
- (2) A ballot paper—
- (a) shall be capable of being folded up,
  - (b) shall have a number printed on the back, and
  - (c) shall have attached a counterfoil with the same number printed on it.

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- (3) For the referendum in Scotland, the two forms of ballot paper shall be of different colours.

*Counting of votes, etc.*

- 11 (1) A counting officer shall, in accordance with any directions given by his Chief Counting Officer, appoint persons to observe the counting of the votes and the verification of the ballot paper accounts.
- (2) No person may attend the counting of votes for any voting area unless he is—
- (a) the counting officer for that area or a person appointed by him under rule 26 of the Parliamentary Elections Rules as applied by paragraph 13 below,
  - (b) a Chief Counting Officer,
  - (c) the Member of Parliament for a constituency wholly or partly within that area,
  - (d) an observer appointed by the counting officer for that area under subparagraph (1), or
  - (e) permitted by the counting officer for that area to attend the count.
- (3) A counting officer shall give observers such reasonable facilities for observing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.
- (4) Before a counting officer makes a certification under section 1(6)(b) or 2(6)(b), or makes any public announcement as to the result of the count, he shall consult his Chief Counting Officer who may direct him to recount—
- (a) the ballot papers, or
  - (b) in the case of the referendum in Scotland, either or both of the forms of ballot paper.
- (5) In this paragraph “voting area” means a local government area in Scotland or a county or county borough in Wales.
- 12 A counting officer shall, as soon as possible after his Chief Counting Officer has made the certification required by section 1(7) or 2(7), forward to the Secretary of State—
- (a) the packets of ballot papers in his possession,
  - (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
  - (c) the tendered votes lists, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of blind voters,
  - (d) the packets of counterfoils and certificates as to employment on duty on the day of the poll, and
  - (e) the packets containing marked copies of registers and of lists of proxies, endorsing on each packet a description of its contents and the name of the area for which the counting officer was appointed.



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*Application of enactments*

- 13 (1) The provisions set out in column (1) of Tables 1 to 4 below shall have effect in relation to the referendum in Scotland.
- (2) The provisions set out in column (1) of Tables 1 to 3 and 5 below shall have effect in relation to the referendum in Wales.
- (3) In their application for the purposes of a referendum, the provisions set out in column (1) of the Tables below shall have effect with the modifications shown in column (2) and any other necessary modifications; in particular, except where the context otherwise requires—
- (a) a reference to an election shall be construed as a reference to a referendum,
  - (b) a reference to a constituency shall be construed as a reference to a local government area in Scotland or a county or county borough in Wales,
  - (c) a reference to voting for, or a vote for, a candidate shall be construed as a reference to voting for, or a vote for, a proposition,
  - (d) a reference to promoting or procuring the election of a candidate, or furthering a person’s candidature, shall be construed as a reference to promoting or procuring a particular result in a referendum,
  - (e) a reference to the return of a person shall be construed as a reference to a particular result in a referendum,
  - (f) a reference to a person voting as an elector shall be construed as a reference to a person voting on his own behalf,
  - (g) a reference to a person’s entitlement as an elector to an absent vote shall be construed as a reference to a person’s entitlement to vote by post on his own behalf or to vote by proxy,
  - (h) where anything is required to be done in the presence of election, polling, counting or other agents, the reference to the presence of agents shall be ignored,
  - (i) a reference to anything being prescribed shall be construed as a reference to its being provided for by a provision of subordinate legislation applied by this Schedule,
  - (j) a form which is required to be used may be used with such variations as the circumstances may require, and
  - (k) a reference to the registration officer is a reference to the relevant registration officer appointed under section 8 of the <sup>M9</sup>Representation of the People Act 1983; and for the purpose of the exercise of a registration officer’s functions in relation to a referendum, sections 52(1) to (4) (discharge of registration duties) and 54(1), (3) and (4) (payment of expenses of registration) of the 1983 Act shall have effect.

TABLE 1

REPRESENTATION OF THE PEOPLE ACT 1983

(1) <i>Provision</i>	(2) <i>Modification</i>
Section 18 (polling districts and polling places)	For subsections (1) to (8) substitute— “(1) Every voting area shall be divided into the same polling

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	<p>districts, each with the same polling place, as have effect for the purposes of local government elections.</p> <p>(2) Subsection (1) shall have effect subject to any direction of a returning officer changing polling districts or places where he considers it necessary to do so by reason of special circumstances.</p> <p>(3) In this section “voting area” means a local government area in Scotland or a county or county borough in Wales.”.</p>
Section 29(3) to (4A) and (5) to (9) (payments by and to returning officer)	A reference to a returning officer is to be construed as a reference to a returning officer, a counting officer or a Chief Counting Officer.
Section 30(1) to (3) (taxation of returning officer’s account)	A reference to a returning officer shall be construed as a reference to a returning officer, a counting officer or a Chief Counting Officer.
Section 47(1) (loan of equipment for local elections)	Omit the words “at a local government election”.
Section 49(2), (4) and (5) (effect of registers)	<p>In subsection (5)—</p> <p>(a) omit “a parliamentary or”, and</p> <p>(b) omit “prevent the rejection of the vote on a scrutiny, or”.</p>
Section 50(b) and (c) (effect of misdescription)	
Section 60 (personation)	
Section 61 (other voting offences)	<p>For subsections (2) to (4) substitute—</p> <p>“(2) A person shall be guilty of an offence if—</p> <p style="margin-left: 2em;">(a) he votes on his own behalf otherwise than by proxy—</p> <p style="margin-left: 4em;">(i) more than once in the same electoral area,</p> <p style="margin-left: 4em;">(ii) in more than one electoral area, or</p> <p style="margin-left: 4em;">(iii) in any electoral area when there is in force an appointment</p>

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- of a person  
to vote as his  
proxy in the  
referendum  
in another  
electoral area,  
or
  - (b) he votes on his own  
behalf in person and is  
entitled to vote by post,  
or
  - (c) he votes on his own  
behalf in person  
knowing that a person  
appointed to vote as his  
proxy has already voted  
in person or is entitled  
to vote by post, or
  - (d) he applies for a person  
to be appointed as his  
proxy to vote for him  
without applying for  
the cancellation of a  
previous appointment  
of a third person then  
in force or without  
withdrawing a pending  
application for such an  
appointment.
- (3) A person shall be guilty of an  
offence if—
- (a) he votes as proxy  
for the same person  
either—
    - (i) more than once  
in the same  
electoral area,  
or
    - (ii) in more than  
one electoral  
area, or
  - (b) he votes in person as  
proxy for a person and  
is entitled to vote by  
post as proxy for that  
person, or
  - (c) he votes in person as  
proxy for someone  
whom he knows  
already to have voted in  
person.

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	(4) A person shall also be guilty of an offence if he votes as proxy in any electoral area for more than two persons of whom he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.
	(4A) In this section a reference to voting more than once is, in relation to the referendum in Scotland, a reference to voting more than once with either or both of the two forms of ballot paper.”.
Section 63 (breach of official duty)	The reference in subsection (3)(b) to a returning officer shall be construed as a reference to a returning officer, a counting officer or a Chief Counting Officer.
Section 65 (tampering with papers)	The reference in subsection (3) to a returning officer shall be construed as a reference to a returning officer, a counting officer or a Chief Counting Officer.
Section 66 (requirement of secrecy)	For subsection (1)(b) substitute— <div style="padding-left: 40px;">“(b) every Member of Parliament or councillor so attending”.</div>
Section 92 (broadcasting from outside the United Kingdom).	
Section 94(1) (imitation poll cards)	
Section 95 (schools and rooms for meetings)	For subsection (1) substitute— <div style="padding-left: 40px;">“(1) Subject to the provisions of this section, any person is entitled, for the purpose of holding a public meeting to promote a particular result in a referendum, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies.</div> <div style="padding-left: 40px;">(1A) In subsection (1) “the campaign period” means the period of 17 days ending with the day before the date of the referendum.”.</div>

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	<p>Omit subsection (2).</p> <p>In subsection (3), omit “situated in the constituency”.</p> <p>In subsection (4), omit “or on whose behalf”.</p> <p>In subsection (5), for “candidate” substitute “ person ”.</p> <p>The lists maintained in accordance with paragraph 3 of Schedule 5 to the 1983 Act shall have effect for the purposes of a referendum; and any person shall, before a referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.</p>
Section 97 (disturbances at election meetings)	<p>For subsection (2) substitute—</p> <p>“(2) This section applies to a meeting in connection with a referendum held during the campaign period.</p> <p>(2A) In subsection (2) “the campaign period” means the period of 17 days ending with the day before the date of the referendum.”.</p>
Section 100(1) and (2) (illegal canvassing by police officers)	<p>In subsection (1), for the words from “from giving his vote” to the end substitute “ from giving his vote, in a referendum, in a local government area wholly or partly within the police area ”.</p>
Sections 101 to 104 (conveyance of voters)	
Section 105(1) and (3) (access to polling place by sea)	<p>The reference in subsection (1) to a county constituency shall be construed as a reference to a local government area in Scotland or a county or county borough in Wales.</p>
Section 109 (payments for exhibition of election notices)	
Section 110 (printer’s name and address on election publications)	<p>For subsection (3) substitute—</p> <p>“(3) A person acting in contravention of this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.</p>
Section 111 (prohibition of paid canvassers)	

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Section 112(a) and (c) (providing money for illegal purposes)

Sections 113 to 115 (bribery, treating and undue influence)

Section 116(a) (rights of creditors)

Section 117(2) (granting employees right of absence to vote)

In section 118 (interpretation of Part II), the definitions of “money”, “pecuniary reward” and “payment”

Section 160(4), (5) and (7) (persons guilty of corrupt or illegal practices)

This section has effect only for the purposes of the application of section 173; and—  
 (a) a reference in subsection (4) or (5) to an election is not affected by paragraph 13(3)(a) of this Schedule, and  
 (b) for subsection (5)(a) and (b), and the words in subsection (5) after paragraph (b), substitute—

“for or within any voting area where, or in relation to which, the illegal practice occurred.

(5A) In subsection (5) “voting area” means a local government area in Scotland or a county or county borough in Wales.”.

Section 167 (application for relief)

Sections 168 to 170 (prosecutions for corrupt and illegal practices)

Section 173 (incapacities on conviction of corrupt or illegal practice)

Sections 174 to 176 (mitigation of incapacities, illegal payments, etc., and prosecutions)

Section 177 (summary trial)

For “in the county in which the local government area for which the election was held is situated or which it adjoins” substitute “ in the county or county borough where, or in relation to which, the offence is alleged to have been committed ”.

Section 178 (prosecution of offences committed outside the United Kingdom)

Section 179 (offences by associations)

Section 181(1) (Director of Public Prosecutions)

Section 184 (service of notices)

In section 185 (interpretation of Part III), the definitions of “judicial office”, “money” and “pecuniary reward”, “payment”, and “public office”

Section 200(1) and (2) (public notices, and declarations)

In section 202 (interpretation), the definitions in subsection (1) of “the absent voters’ list”, “citizen of the Union” and “relevant citizen of the Union”, “elector”,

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“legal incapacity”, “the list of proxies”, “parliamentary elections rules”, “person”, and “voter”; and subsection (2)

Section 203(1) (local government provisions as to England and Wales)

Section 204(1), (3) and (5) (general application to Scotland)

TABLE 2

PARLIAMENTARY ELECTIONS RULES (SCHEDULE 1 TO THE  
M10 REPRESENTATION OF THE PEOPLE ACT 1983)

<b>(1)</b> <i>Provision</i>	<b>(2)</b> <i>Modification</i>
Rule 20 (ballot papers: official mark)	For paragraph (2) substitute— “(2) The official mark shall be kept secret.”.
Rule 22(1) and (2) (use of schools and public rooms)	
Rule 23(1) (notice of poll)	For “in the statement of persons nominated include” substitute “publish, not later than the tenth day before the date of the referendum, ”.
Rule 24 (postal ballot papers)	Omit “and in no event later than any date which may be prescribed as the last date for the purpose”.
Rule 25 (provision of polling stations)	
Rule 26 (appointment of presiding officers and clerks)	In paragraph (1), for the words from “but he shall not appoint” to the end substitute “ and the counting officer shall appoint and pay such persons as may be necessary for the purpose of the counting of the votes ”.
Rule 28(1) to (3) (issue of official poll cards)	
Rule 29 (equipment of polling stations)	For the notice referred to in paragraph (4) substitute the notice in the Appendix to this Schedule. For paragraph (5) substitute— “(5) In every compartment of every polling station a notice shall be exhibited.  (5A) In Scotland, the notice shall be in the following form: 'Read the ballot papers carefully. On each ballot paper, mark a cross (X) in the box to the right of the proposition you are voting for. Put no other

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mark on the ballot papers or  
your vote may not be counted.’.

(5B) In Wales, the notice shall be in the following form:

’Mark one box only. Put  
no other mark on the ballot  
paper or your vote may not be  
counted.’

Marciwch un blwch yn unig.  
Peidiwch â rhoi unrhyw farc  
arall ar y papur pleidleisio neu  
fe all na chaiff eich pleidlais ei  
chyfrif.”.

Rule 31 (notification of requirement of  
secrecy)

The reference in paragraph (a) to section 66 of the 1983 Act shall be construed as a reference to that section as modified in Table 1.

The duty under paragraph (b) shall be the duty not of the returning officer but of the counting officer.

Rule 32(1), (3) and (4) (admission to  
polling station)

In paragraph (1), for sub-paragraphs (a) and (b) substitute—

- “(a) the Member of Parliament for the constituency within which the polling station is situated;
- (b) a member of the council for—
  - (i) in Scotland, the local government area, or
  - (ii) in Wales, the county or county borough, within which the polling station is situated;”.

Rule 33 (keeping order in station)

Rule 34 (sealing of ballot boxes)

Rule 35 (questions to be put to voters)

For paragraphs (1) and (2) substitute—

“(1) The presiding officer may put to any person applying for a ballot paper at the time of his application, but not afterwards,



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one or both of the relevant questions.

(2) In the case of a person applying to vote on his own behalf, the relevant questions are—

- (a) 'Are you the person registered in the register of local government electors [for this local government area] [for this county] [for this county borough] as follows?' (*read the whole entry from the register.*)
- (b) 'Have you already voted, here or elsewhere, in this referendum, otherwise than as a proxy for some other person?'

(2A) In the case of a person applying as proxy, the relevant questions are—

- (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.?'
- (b) 'Have you already voted here or elsewhere in this referendum as proxy on behalf of C.D.?'.

(2B) In the case of a person applying as proxy, the presiding officer may put the following additional question—

'Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?'

and if that question is not answered in the affirmative the following question

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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)*

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’Have you already voted in this referendum in this electoral area on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?’”.

In the case of the referendum in Wales, article 5 of, and Forms 1 to 3 in Schedule 2 to, the Representation of the <sup>M11</sup>People (Welsh Forms) Order 1989 (which prescribe Welsh versions of questions) shall have effect in relation to rule 35 as applied in this Table, with the following modifications—

- (a) in Form 1—
  - (i) for “seneddol” substitute “llywodraeth leol ”,
  - (ii) for “yr etholiad hwn” substitute “ [y sir hon] [y fwrdeistref sirol hon] ”, and
  - (iii) for “yr is-etholiad [etholiad cyffredinol] hwn” substitute “ y refferendwm hwn ”,
- (b) in Form 2, for “yr etholiad hwn” and “yr is-etholiad [etholiad cyffredinol] hwn” substitute “ y refferendwm hwn ”, and
- (c) in Form 3, for “yr etholiad hwn ac yn yr etholaeth hon” substitute “ y refferendwm hwn yn y rhanbarth etholiadol hwn ”.

Rule 36 (challenge of voter)

For “a candidate or his election or polling agent” substitute “ a Member of Parliament or a member of the council for a local government area in Scotland or a county or county borough in Wales ”.

Rule 37 (voting procedure)

In the case of the referendum in Scotland, a person may apply under this rule for either or both of the two forms of ballot paper.

Rule 38 (votes marked by presiding officer)

Rule 39 (voting by blind persons)

Rule 40 (tendered ballot papers)

Rule 41 (spoilt ballot papers)

Rule 42 (adjournment of poll in case of riot)

After “returning officer” insert “ and the counting officer ”.

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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)

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Rule 43 (procedure on close of poll)	A reference to the returning officer is to be construed as a reference to the counting officer.
Rule 45 (the count)	<p>A reference to the returning officer is, except in paragraph (2), to be construed as a reference to the counting officer.</p> <p>A reference to counting agents or election agents is to be construed as a reference to observers.</p> <p>In paragraph (5), for “election agent” substitute “observer present at the verification”.</p> <p>In paragraph (6), for “in so far as he and the agents agree” substitute “, if his Chief Counting Officer approves, ”; and omit from “For the purposes of this exception” to the end.</p> <p>For paragraph (7) substitute—</p> <p>“(7) During the excluded time the counting officer shall take proper precautions for the security of the ballot papers and documents.”.</p>
Rule 47 (rejected ballot papers)	<p>A reference to the returning officer is to be construed as a reference to the counting officer.</p> <p>In paragraph (3), omit from “and shall add to the endorsement” to the end.</p>
Rule 54 (sealing up of ballot papers)	A reference to the returning officer is to be construed as a reference to the counting officer.
The Appendix of Forms: form of declaration to be made by the companion of a blind voter	<p>For “election now being held in this constituency”—</p> <p>(a) in the case of the referendum in Scotland substitute “ referendum now being held in Scotland under section 1(1) of the Referendums (Scotland and Wales) Act 1997 ”, and</p> <p>(b) in the case of the referendum in Wales substitute “ referendum now being held in Wales under section 2(1) of the Referendums (Scotland and Wales) Act 1997 ”.</p> <p>For “said election” in each place substitute “ said referendum ”.</p>

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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)*

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In the case of the referendum in Wales, article 5 of, and Form 6 in Schedule 2 to, the <sup>M12</sup>Representation of the People (Welsh Forms) Order 1989 (which prescribe a Welsh version of the form of declaration to be made by the companion of a blind voter) shall have effect in relation to the form in the Appendix as applied in this Table, with the following modifications—

(a) for “yr etholiad a gynhelir yn awr yn yr etholaeth hon” substitute “ y refferendwm yng Nghymru a gynhelir yn awr o dan adran 2(1) Deddf Refferenda (Yr Alban a Chymru) 1997 ”, and

(b) for the second and third “yr etholiad” substitute “ y refferendwm ”.

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TABLE 3

THE <sup>M13</sup>REPRESENTATION OF THE PEOPLE ACT 1985

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<b>(1)</b> <i>Provision</i>	<b>(2)</b> <i>Modification</i>
Section 5 (manner of voting)	<p>In the application of any provision of the 1985 Act to a referendum, a reference to prescribed requirements is to be construed as a reference to the requirements of the provisions of—</p> <p>(a) in the case of the referendum in Scotland, the <sup>M14</sup>Representation of the People (Scotland) Regulations 1986, and</p> <p>(b) in the case of the referendum in Wales, the <sup>M15</sup>Representation of the People Regulations 1986, as applied by Tables 4 and 5.</p> <p>In subsection (1), for “at a parliamentary or local government election” substitute “ in a referendum ”.</p> <p>In subsection (5) for “constituency or, as the case may be, electoral area” substitute “ local government area in Scotland or county or county borough in Wales ”.</p> <p>For subsection (6) substitute—</p> <p style="padding-left: 40px;">“(6) For the purposes of the provisions of this Act and the Representation of the People Act 1983, a person entitled to</p>

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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)

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vote in a referendum on his own behalf is entitled to vote by post or by proxy if he is shown in the absent voters list for the referendum.”.

In subsection (7), for the definition of “appropriate rules” substitute—  
““appropriate rules” means the parliamentary elections rules as they have effect for the purposes of a referendum.”.

Section 7 (absent vote at a particular election and absent voters list)

In subsection (1)—  
(a) for “at a particular parliamentary or local government election” substitute “in a referendum”, and  
(b) for paragraph (b) substitute—  
“(b) he is satisfied that the applicant will be entitled to vote in the referendum.”.

In subsection (2)—  
(a) for “elections of the kind in question”, in each place, substitute “local government elections”, and  
(b) for “in respect of a particular parliamentary or local government election” substitute “in respect of a referendum”.

In subsection (4)—  
(a) for “in respect of each parliamentary or local government election” substitute “in respect of a referendum”,  
(b) for paragraph (a)(ii) substitute—  
“(ii) those who are shown in the record kept under section 6 of this Act as voting by post at local government elections, together with the addresses provided by them in their applications under that section or, as the case

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*Changes to legislation: There are currently no known outstanding effects for the  
Referendums (Scotland and Wales) Act 1997. (See end of Document for details)*

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may be,  
subsection (2)  
above as the  
addresses to  
which their  
ballot papers  
are to be sent,”  
and

(c) for paragraph (b) substitute—

“(b) a list (“the list of proxies”) of those whose applications under this section to vote by proxy in the referendum have been granted or who are shown in the record kept under section 6 of this Act as voting by proxy at local government elections, together with the names and addresses of those appointed as their proxies.”.

Section 8 (proxies)

In subsection (1), for “at any parliamentary or local government election” substitute “ in a referendum ”.

For subsection (2) substitute—

“(2) The elector cannot have more than one person at a time appointed as proxy to vote for him in the referendum.”.

Omit subsection (3).

In subsection (3A)—

(a) for “at a local government election” substitute “ in a referendum ”, and  
(b) for “at that election as an elector” substitute “ in the referendum on his own behalf ”.

For subsection (5) substitute—

“(5) A person is not entitled to vote as proxy in any electoral area in a referendum on behalf of more than two electors of whom that person is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.”.

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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)

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Subsection (6) shall not have effect to permit applications in relation to referendums; but an appointment made under subsection (6) which has effect in relation to local government elections shall have effect in relation to a referendum.

For subsection (7) substitute—

“(7) Where the elector applies to the registration officer for the appointment of a proxy to vote for him in a referendum the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—

- (a) entitled to vote in the referendum, and
- (b) entitled to vote by proxy in the referendum by virtue of an application under section 7 of this Act, and that the proxy is capable of being and willing to be appointed.”.

For subsections (9) and (10) substitute—

“(9) The appointment shall remain in force for the referendum, unless cancelled by notice from the elector to the registration officer.”.

Section 9 (voting as proxy)

In subsections (1), (3) and (9), for “parliamentary or local government election” substitute “ referendum ”.

Subsections (4) to (6) shall not have effect to permit applications in relation to referendums; but the record kept under subsection (6) shall have effect for the purposes of the application to the referendums of subsection (9).

In subsections (8) and (9), for “elections of the kind in question” substitute “ local government elections ”.

*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)*

In subsection (10), for “is or will be registered in the register of parliamentary electors, local government electors, or both (as the case may be)” substitute “ will be entitled to vote in the referendum ”.

Section 12(3) and (4) (offences)

TABLE 4

THE <sup>M16</sup>REPRESENTATION OF THE PEOPLE (SCOTLAND) REGULATIONS 1986

(1) <i>Provision</i>	(2) <i>Modification</i>
In regulation 4(1) (interpretation), the definitions of “available for inspection”, “electoral area”, “local authority”, “local government area”, “postal proxy”, “register”, “registration area” and “registration officer”	
Regulation 5(1)(b) and (2) (forms)	
Regulation 6(1) and (2) (sending of applications, notices, etc.)	
Regulation 8 (misnomers)	
Regulation 10 (official poll card)	
Regulation 12 (interference with notices, etc.)	
Regulation 61 (absent voters: general requirements for applications)	
Regulation 64 (applications in respect of a particular election)	
Regulation 65 (additional requirements for applications for appointments of proxy)	
Regulation 66 (additional requirements for application by proxies to vote by post at a particular election)	
Regulation 67(1) to (5) (closing dates for applications)	
Regulation 68 (grant or refusal of applications)	The reference to Form C shall be construed as a reference to the form of proxy paper in the Appendix to this Schedule.
Regulation 70 (cancellation of proxy appointment)	
Regulation 72 (records and lists)	
Regulation 73 (marked register for polling stations)	
Regulation 74 (certificate of employment at an election)	
Regulation 75 (interpretation of Part V)	
Regulation 77 (form of declaration of identity)	Omit the words after “Form G”.



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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)

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Regulation 78(1)(a) (persons entitled to be present at issue and receipt of postal ballot papers)

Regulation 79 (notification of requirement of secrecy)

Regulation 81(1) and (2) (marking of postal ballot papers)

Regulation 82 (refusal to issue postal ballot paper) For the words from “more than one ballot paper” to the end substitute “ more than one of each form of ballot paper in respect of that elector ”.

Regulation 83(1) and (2) (envelopes)

Regulation 84 (delivery of postal ballot papers to post office)

Regulation 85 (provision of postal voters’ ballot box) For paragraph (2) substitute—  
“(2) Every ballot box shall, while empty, be locked by the returning officer and sealed with his seal in such manner as to prevent its being opened without breaking the seal.”.

Regulation 86 (sealing up of special lists and counterfoils)

Regulation 87 (spoilt postal ballot papers) In paragraph (1)—  
(a) for “his postal paper” substitute “ a postal ballot paper ”, and  
(b) for “the spoilt postal ballot paper” substitute “ both forms of ballot paper ”.

Omit paragraph (2).

In paragraph (3)—  
(a) for “another postal ballot paper or, as the case may be, ballot papers” substitute “ replacement ballot papers ”, and  
(b) for “another ballot paper (or ballot papers)” substitute “ replacement ballot papers ”.

In paragraph (5), for the words “The spoilt postal ballot paper, and any other postal ballot paper issued with it under regulation 76 above,” substitute “ The returned postal ballot papers ”.

Regulation 88 (receipt of covering envelope)

Regulation 89(1) and (2) and (4) to (7) (opening of postal voters’ ballot box) In paragraph (4) for the words from “and every such ballot box” to the end substitute “ ; and every ballot box shall, while empty, be locked by the returning officer and sealed with his seal in such manner as to prevent its being opened without breaking the seal. ”.

Regulation 90 (opening of covering envelopes)

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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)*

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Regulation 91 (sealing up of rejected votes and declarations of identity)

Regulation 92 (opening of ballot paper envelopes)

Regulation 94 (forwarding of documents)

For paragraph (1) substitute—

“(1) The returning officer shall, as soon as possible after the Chief Counting Officer for Scotland has made the certification required by section 1(7) of the Referendums (Scotland and Wales) Act 1997, forward to the Secretary of State—

- (a) any packets referred to in regulations 86, 87, 91 and 92, endorsing on each packet a description of its contents and the name of the local government area for which the returning officer acts, and
- (b) a statement of the number of postal ballot papers issued by him in such form, and giving such details about the papers, as the Secretary of State may require.”.

Omit paragraphs (3) and (4).

In Schedule 2 (forms), Form D (elector’s official poll card)

On the front of the card—

- (a) for the heading “REPRESENTATION OF THE PEOPLE ACTS” substitute “REFERENDUM”, and
- (b) for “Constituency” substitute “Local government area”.

On the back of the card—

- (a) for the heading substitute “REFERENDUM”,
- (b) in paragraph 2, for “a ballot paper” substitute “one of each of two forms of ballot paper (unless you ask for only one)”
- (c) in paragraph 2, for “on it” substitute “on each form of ballot paper”,
- (d) for paragraphs 3 to 5 substitute—

“3 Take the ballot papers to one of the voting compartments and read them carefully.

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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)

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- 4 On each ballot paper mark a cross (X) in the box to the right of the proposition you are voting for. Put no other mark on the ballot paper or your vote may not be counted.
- 5 Fold each ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot papers in the ballot box and leave the polling station.”.
- In Schedule 2 (forms), Form E (proxy’s official poll card) On the back of the card, for “elector’s ballot paper” substitute “ elector’s ballot papers ”.
- In Schedule 2 (forms), Form F (certificate of employment) For the heading “ELECTION IN THE..... CONSTITUENCY” substitute “ REFERENDUM..... LOCAL GOVERNMENT AREA ”.
- For “constituency named above” and “above constituency” substitute “ local government area named above ”.
- For “election” in each place substitute “ referendum ”.
- In Schedule 2 (forms), Form G (declaration of identity) On the front of the form, for the heading “REPRESENTATION OF THE PEOPLE ACTS” substitute “ REFERENDUM ”.
- For “Ballot Paper No.” substitute “ Ballot Paper Nos. ”.
- For “the ballot paper numbered as above was sent” substitute “ the ballot papers numbered as above were sent ”.
- On the back of the form—  
(a) for paragraphs 2 and 3 substitute—  
“2 Read the ballot papers carefully.
- 3 On each ballot paper mark a cross (X) in the box to the right of the proposition you are voting for. Put no other mark on the ballot paper or your vote may not be counted.”,  
(b) in paragraph 4, for “ballot paper” in each place substitute “ ballot papers ”,  
(c) for paragraph 5 substitute—

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- “5 If you receive more than one of either form of ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) with the same form of ballot paper.”,
- (d) in paragraph 6, for “election” substitute “ referendum ”, and
- (e) for paragraph 7 substitute—
- “7 If you inadvertently spoil either form of ballot paper, you can apply to the returning officer for another one. To do this you MUST RETURN ALL OF THE POSTAL BALLOT PAPERS YOU HAVE RECEIVED, including the spoiled ballot paper. In addition, in your application for fresh postal ballot papers you MUST RETURN, in your own envelope, the declaration of identity and the envelopes marked “A” and “B”. Remember that there is little time available if fresh postal ballot papers are to be issued and counted.”.

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TABLE 5

THE <sup>M17</sup>REPRESENTATION OF THE PEOPLE REGULATIONS 1986

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<b>(1)</b> <i>Provision</i>	<b>(2)</b> <i>Modification</i>
<p>In regulation 4(1) (interpretation), the definitions of “available for inspection”, “postal proxy”, “register”, and “registration officer”.</p> <p>Regulation 6(1)(b) (forms)</p> <p>Regulation 7 (sending of applications, notices, etc.)</p> <p>Regulation 9 (misnomers)</p> <p>Regulation 11 (official poll card)</p>	<p>The reference to Form E is to be construed as a reference to the form of elector’s official poll card in Part II of the Schedule to the Representation of the <sup>M18</sup>People (Welsh Forms) Order 1986 with the following modifications—</p> <p>(a) on the front of the card, for “REPRESENTATION OF THE PEOPLE ACTS” and “DEDDFAU</p>

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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)

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CYNYRCHOLAETH Y BOBL”  
substitute “ REFERENDUM ” and “  
REFFERENDWM ”,

(b) on the front of the card,  
for “Constituency” and “Etholaeth”  
substitute “ County / County Borough ”  
and “ Sir / Bwrdeistref Sirol ”,

(c) on the back of the card, for  
“PARLIAMENTARY ELECTION” and  
“ETHOLIAD SENEDDOL” substitute  
“ REFERENDUM ” and “  
REFFERENDWM ”,

(d) on the back of the card, for the third  
paragraph in English substitute—

“Take the ballot paper to one of  
the voting compartments and read it  
carefully. On the ballot paper mark a  
cross (X) in the box to the right of the  
proposition you are voting for. Put no  
other mark on the ballot paper or your  
vote may not be counted.”,

(e) on the back of the card, for the third  
paragraph in Welsh substitute—

“Ewch â'r papur pleidleisio i un o'r  
cabanau pleidleisio a darllenwch ef  
yn ofalus. Ar y papur pleidleisio  
rhowch groes (X) yn y blwch i'r dde  
o'r gosodiad yr ydych yn pleidleisio  
drosto. Peidiwch â rhoi unrhyw farc  
arall ar y papur pleidleisio neu fe all na  
chaiff eich pleidlais ei chyfrif.”,

(f) on the back of the card, in the  
penultimate and final paragraphs in  
English and in Welsh, for “this election”  
and “yr etholiad hwn” substitute “ the  
referendum ” and “ y refferendwm ”,

(g) on the back of the card, omit the fifth  
paragraph in English and in Welsh.

The reference to Form F is to be  
construed as a reference to the form  
of proxy's official poll card in Part II  
of the Schedule to the Representation  
of the <sup>M19</sup>People (Welsh Forms)  
Order 1986 with the following  
modifications—

(a) on the front of the card,  
omit “REPRESENTATION OF THE  
PEOPLE ACTS” and “DEDDFAU  
CYNYRCHOLAETH Y BOBL”,

(b) on the front of the card, for  
“PARLIAMENTARY ELECTION” and

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“ETHOLIAD SENEDDOL” substitute  
 “ REFERENDUM ” and “  
 REFFERENDWM”,  
 (c) on the front of the card,  
 for “Etholaeth” and “Constituency”  
 substitute “ Sir / Bwrdeistref Sirol ” and  
 “ County / County Borough ”,  
 (d) on the back of the card, in the  
 penultimate and final paragraphs in  
 English and in Welsh, for “this election”  
 and “yr etholiad hwn” substitute “ the  
 referendum ” and “ y refferendwm ”.

Regulation 13 (interference with notices, etc.)

Regulation 63 (absent voters: general requirements for applications)

Regulation 66 (additional requirements for applications in respect of a particular election)

Regulation 67 (additional requirements for applications for appointment of proxy)

Regulation 68 (additional requirements for applications by proxies to vote by post at a particular election)

Regulation 69(1) to (5) (closing dates for applications)

Regulation 70 (grant or refusal of applications)                      The reference to Form D shall be construed as a reference to the form of proxy paper in the Appendix to this Schedule.

Regulation 72 (cancellation of proxy appointment)

Regulation 74 (records and lists)

Regulation 75 (marked register for polling stations)

Regulation 76 (certificate of employment at an election)                      The reference to Form G is to be construed as a reference to the form of certificate of employment in the Appendix to this Schedule.

Regulation 77 (interpretation of Part V)

Regulation 79 (form of declaration of identity)                      For the words from “shall be” to the end substitute “shall be in the form of Form 3 in Schedule 1 to the Representation of the <sup>M20</sup>People (Welsh Forms) Order 1989 with the following modifications—  
 (a) on the front of the form, for the headings substitute—

**“REFERENDUM**

**REFFERENDWM”**,

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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)

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(b) on the back of the form, for paragraphs 2 and 3 in English substitute—

“2 Read the ballot paper carefully. On the ballot paper mark a cross (X) in the box to the right of the proposition you are voting for. Put no other mark on the ballot paper or your vote may not be counted. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.”,

(c) on the back of the form, for paragraphs 2 and 3 in Welsh substitute—

“2 Darllenwch y papur pleidleisio yn ofalus. Ar y papur pleidleisio rhowch groes (X) yn y blwch i’r dde o’r gosodiad yr ydych yn pleidleisio drosto. Peidiwch aj rhoi unrhyw farc arall ar y papur pleidleisio neu fe all na chaiff eich pleidlais ei chyfrif. Os na fedrwech bleidleisio heb gymorth, rhaid i’r person sy’n eich cynorthwyo beidio â datgelu sut yr ydych wedi pleidleisio.”,

(d) on the back of the form, in paragraph 5 in English and in Welsh, for “same election” and “yr un etholiad” substitute “ referendum ” and “ y refferendwm ”,

(e) on the back of the form, in paragraph 6 in English and in Welsh, for “this election” and “yr etholiad hwn” substitute “ the referendum ” and “ y refferendwm ”, and

(f) on the back of the form, renumber paragraphs 4 to 7 in English and in Welsh accordingly.”

Regulation 80(1)(a) (persons entitled to be present at issue and receipt of postal ballot papers)

Regulation 81 (notification of requirement of secrecy)

Regulation 83(1) and (2) (marking of postal ballot papers)

Regulation 84 (refusal to issue postal ballot paper)

Regulation 85(1) and (2) (envelopes)

Regulation 86 (delivery of postal ballot papers to post office)

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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)*

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Regulation 87 (provision of postal voters' ballot box)	For paragraph (2) substitute—  “(2) Every ballot box shall, while empty, be locked by the returning officer and sealed with his seal in such manner as to prevent its being opened without breaking the seal.”.
Regulation 88 (sealing up of special lists and counterfoils)	
Regulation 89 (spoilt postal ballot papers)	Omit paragraph (2).  In paragraph (3)— (a) omit “or, as the case may be, ballot papers”, and (b) omit “(or ballot papers)”.  In paragraph (5) omit “, and any other postal ballot paper issued with it under Regulation 78 above”.
Regulation 90 (receipt of covering envelope)	
Regulation 91(1) and (2) and (4) to (7) (opening of postal voters' ballot box)	In paragraph (4) for the words from “and every such ballot box” to the end substitute “; and every ballot box shall, while empty, be locked by the returning officer and sealed with his seal in such manner as to prevent its being opened without breaking the seal. ”.
Regulation 92 (opening of covering envelopes)	
Regulation 93 (sealing up of rejected votes and declarations of identity)	
Regulation 94 (opening of ballot paper envelopes)	
Regulation 96 (forwarding of documents)	For paragraph (1) substitute—  “(1) The returning officer shall, as soon as possible after the Chief Counting Officer for Wales has made the certification required by section 2(7) of the Referendums (Scotland and Wales) Act 1997, forward to the Secretary of State—  (a) the packets referred to in regulations 88, 89, 93 and 94, endorsing on each packet a description of its contents and the name of the county or county borough for which the



*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)*

- returning officer acts,  
and
- (b) a statement of the number of postal ballot papers issued by him in such form, and giving such details about the papers, as the Secretary of State may require.”.

Omit paragraphs (2), (4) and (5).

**Marginal Citations**

- M9 1983 c. 2.
- M10 1983 c. 2.
- M11 S.I. 1989/429.
- M12 S.I. 1989/429.
- M13 1985 c. 50.
- M14 S.I. 1986/1111.
- M15 S.I. 1986/1081.
- M16 S.I. 1986/1111.
- M17 S.I. 1986/1081.
- M18 S.I. 1986/1460.
- M19 S.I. 1986/1460.
- M20 S.I. 1989/429.

APPENDIX

FORMS

**FORM OF BACK OF BALLOT PAPER: REFERENDUM IN SCOTLAND**

No.

Referendum: [name of local government area]

*Note.— The number on the ballot paper is to correspond with that on the counterfoil and is to be printed in small characters.*

**FORM OF BACK OF BALLOT PAPER: REFERENDUM IN WALES**

No./Rhif.....

\*County/County Borough..... \*Sir/Bwrdeistref Sirol

\*Delete whichever is inapplicable

\*Dileer yr un anaddas

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*Changes to legislation:* There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)

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*Note.*— The number on the ballot paper is to correspond with that on the counterfoil and is to be printed in small characters.

*Sylwer.*— Rhaid i'r rhif ar y papur pleidleisio gyfatebâ'r rhif ar yr wrthddalen a chael ei argraffu mewn cymeriadau bach.

## **FORM OF GUIDANCE FOR VOTERS: REFERENDUM IN SCOTLAND**

### **GUIDANCE FOR VOTERS**

- (1) When you are given ballot papers make sure they are stamped with the official mark.
- (2) Take the ballot papers to one of the voting compartments and read them carefully. On each ballot paper mark a cross (X) in the box to the right of the proposition you are voting for. Put no other mark on the ballot paper or your vote may not be counted.
- (3) Fold each ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot papers in the ballot box and leave the polling station.
- (4) If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

## **FORM OF GUIDANCE FOR VOTERS: REFERENDUM IN WALES**

### **GUIDANCE FOR VOTERS**

- (1) When you are given a ballot paper make sure it is stamped with the official mark.
- (2) Take the ballot paper to one of the voting compartments and read it carefully. On the ballot paper mark a cross (X) in the box to the right of the proposition you are voting for. Put no other mark on the ballot paper or your vote may not be counted.
- (3) Fold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.
- (4) If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

## **CYFARWYDDYD I BLEIDLEISWYR**

- (1) Pan roir i chi bapur pleidleisio gwnewch yn siwr iddo gael ei stampio â'r marc swyddogol.
- (2) Ewch â'r papur pleidleisio i un o'r cabanau pleidleisio a darllenwch ef yn ofalus. Ar y papur pleidleisio rhowch groes (X) yn y blwch i'r dde o'r gosodiad yr ydych yn pleidleisio drosto. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio neu fe all na chaiff eich pleidlais ei chyfrif.

*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)*

- (3) Plygwch y papur yn ddau. Dangoswch y marc swyddogol i'r swyddog llywyddu, ond peidiwch â gadael i neb weld eich pleidlais. Rhowch y papur pleidleisio yn y blwch pleidleisiau a mynd allan o'r orsaf bleidleisio.
- (4) Os bydd i chi drwy gamgymeriad ddifetha eich papur pleidleisio, ewch a'i ddangos i'r swyddog llywyddu a gofyn am un arall.

## CERTIFICATE OF EMPLOYMENT: REFERENDUM IN WALES

### CERTIFICATE OF EMPLOYMENT

#### TYSTYSGRIF CYFLOGAETH

No.

Referendum: [name of local government area]

*Note.- The number on the ballot paper is to correspond with that on the counterfoil and is to be printed in small characters.*

## PROXY PAPER: REFERENDUM IN SCOTLAND

### FRONT OF PAPER

#### REFERENDUM

No./Rhif .....

\*County/County Borough ..... \*Sir/Bwrdeistref Sirol

\*Delete whichever is inapplicable

\*Dileer yr un anaddas

*Note.- The number on the ballot paper is to correspond with that on the counterfoil and is to be printed in small characters.*

*Sylwer.- Rhaid i'r rhif ar y papur pleidleisio gyfateb â'r rhif ar yr wrthdalen a chael ei argraffu mewn cymeriadau bach.*

### BACK OF PAPER

#### YOUR RIGHT TO VOTE AS PROXY

- (1) This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given overleaf.

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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)*

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- (2) Your appointment as proxy will be for the referendum only. You have the right to vote as proxy only at the referendum specified in the proxy paper.
- (3) Prior to the elector applying to have you appointed as proxy, you should have been consulted and asked if you were capable of being, and willing to be, appointed as proxy, or you should have signed a statement to the effect that you were capable of being, and were willing to be appointed as proxy. 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 any other member state of the European Union, a citizen of the Republic of Ireland and not for any reason disqualified from voting. If for any reason you are not capable of being, or are not willing to be, the proxy please advise the elector, without delay, in order that the elector may cancel the appointment.
- (4) You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. However, you may not vote as proxy in any electoral area for more than two electors of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild. 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 you may find it helpful to do so. You should note that the elector may still vote in person. If ballot papers are issued to the elector at the polling station before you apply there for ballot papers as the proxy, you will not be entitled to vote as the proxy.
- (5) You may also apply to vote by post as proxy at the referendum if the Electoral Registration Officer is satisfied that you cannot reasonably be expected to vote in person at the elector's polling station.

Any application to vote by post as proxy should be made on Form R.P.F. 11 REF (Scotland) which may be obtained from the Electoral Registration Officer. You should note that the Electoral Registration Officer cannot allow an application to vote by post at the referendum if he receives it after 5.00 p.m. on the eleventh working day before the poll.

- (6) It is an offence to vote, whether in person or by post, as proxy for some other person if you know that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of his sentence.

## **PROXY PAPER: REFERENDUM IN WALES**

REFERENDUM

**REFERENDUM**

## GUIDANCE FOR VOTERS

1. When you are given ballot papers make sure they are stamped with the official mark.
2. Take the ballot papers to one of the voting compartments and read them carefully. On each ballot paper mark a cross (X) in the box to the right of the proposition you are voting for. Put no other mark on the ballot paper or your vote may not be counted.
3. Fold each ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot papers in the ballot box and leave the polling station.
4. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

## YOUR RIGHT TO VOTE AS PROXY

### EICH HAWL I BLEIDLEISIO FEL DIRPRWY

- (1) This proxy paper gives you the right to vote as proxy on behalf of the elector whose name is given overleaf.
- (1) Rhydd y papur dirprwy hwn hawl i chi bleidleisio fel dirprwy dros yr etholwr(aig) a enwir drosodd.
- (2) Your appointment as proxy will be for the referendum only. You have the right to vote as proxy only at the referendum specified in the proxy paper.
- (2) Penodir chi yn ddirprwy ar gyfer y refferendwm yn unig. Mae gennych hawl i bleidleisio fel dirprwy yn y refferendwm a bennir yn y papur dirprwy yn unig.
- (3) Prior to the elector applying to have you appointed as proxy you should have been consulted and asked if you were capable of being, and willing to be, appointed as proxy, or you should have signed a statement to the effect that you were capable of being, and were willing to be appointed as proxy. 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 any other member state of the European Union, a citizen of the Republic of Ireland and not for any reason disqualified from voting. If for any reason you are not capable of being, or are not willing to be, the proxy please advise the elector, without delay, in order that the elector may cancel the appointment.
- (3) Cyn i'r etholwr(aig) wneud cais i chi gael eich penodi yn ddirprwy, dylid bod wedi ymgynghori â chi a gofyn i chi a oeddech yn gymwys i fod yn ddirprwy ac yn fodlon i gael eich penodi, neu dylech fod wedi llofnodi datganiad eich bod yn gymwys i fod yn ddirprwy ac yn fodlon i gael eich penodi. Yr ydych yn gymwys i'ch penodi yn ddirprwy os ydych yn 18 oed o leiaf ar y dyddiad pleidleisio, yn ddinesydd Prydeinig neu'n ddinesydd un arall o wledydd y Gymanwlad, yn ddinesydd un arall o aelod-wladwriaethau yr Undeb Ewropeaidd, yn ddinesydd Gweriniaeth Iwerddon a heb eich gwahardd rhag pleidleisio am unrhyw reswm. Os nad ydych, am unrhyw reswm, yn gallu bod yn ddirprwy neu yn fodlon cael eich penodi yn ddirprwy, rhowch wybod i'r etholwr(aig), yn ddioed, er mwyn i'r etholwr(aig) ddileu'r penodiad.

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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland and Wales) Act 1997. (See end of Document for details)*

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(4) You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. However, you may not vote as proxy in any electoral area for more than two electors of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild. 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 you may find it helpful to do so. You should note that the elector may still vote in person. If a ballot paper is issued to the elector at the polling station before you apply there for a ballot paper as the proxy, you will not be entitled to vote as the proxy.

(4) Cewch bleidleisio fel dirprwy yn yr orsaf bleidleisio a bennwyd i'r etholwr(aig) y penodwyd chi drosto/drosti. Er hynny, ni chewch bleidleisio fel dirprwy mewn unrhyw ranbarth etholiadol dros fwy na dau o etholwyr nad ydych yn wr, gwraig, rhiant, tad-cu neu fam-gu, brawd, chwaer, plentyn, wyr neu wyres iddynt. Ychydig cyn y dyddiad pleidleisio anfonir cerdyn pleidleisio dirprwy atoch yn dweud lle mae'r orsaf bleidleisio. Nid oes angen i chi fynd â'r cerdyn pleidleisio na'r papur dirprwy hwn gyda chi i'r orsaf bleidleisio, ond hwyrach y bydd o gymorth i chi wneud hynny. Sylwer y caiff yr etholwr(aig) ddal i bleidleisio yn bersonol. Os rhoddir papur pleidleisio i'r etholwr(aig) yn yr orsaf bleidleisio cyn i chi wneud cais yno am bapur pleidleisio fel y dirprwy, ni fydd gennych hawl i bleidleisio fel y dirprwy.

(5) You may also apply to vote by post as proxy at the referendum if the Electoral Registration Officer is satisfied that you cannot reasonably be expected to vote in person at the elector's polling station.

Any application to vote by post as proxy should be made on Form DR93 which may be obtained from the Electoral Registration Officer. You should note that the Electoral Registration Officer cannot allow an application to vote by post at the referendum if he receives it after 5.00 pm on the eleventh working day before the poll.

(5) Cewch wneud cais hefyd am bleidleisio drwy'r post fel dirprwy yn y refferendwm os yw'r Swyddog Cofrestru Etholiadol yn fodlon nad yw'n rhesymol disgwyl i chi bleidleisio'n bersonol yng ngorsaf bleidleisio yr etholwr(aig).

Dylai unrhyw gais am bleidleisio drwy'r post fel dirprwy gael ei wneud ar Ffurflen DR93 y gellir ei chael oddi wrth y Swyddog Cofrestru Etholiadol. Sylwer na all y Swyddog Cofrestru Etholiadol ganiatáu cais am bleidleisio drwy'r post yn y refferendwm os daw'r cais i law ar ôl 5.00 pm ar yr unfed diwrnod gwaith ar ddeg cyn y bleidlais.

(6) It is an offence to vote, whether in person or by post, as proxy for some other person if you know that person is subject to a legal incapacity to vote (eg if that person has been convicted and is detained in a penal institution in pursuance of his sentence).

(6) Mae'n drosedd pleidleisio, boed yn bersonol neu drwy'r post, fel dirprwy dros ryw berson arall os gwyddoch fod y person hwnnw yn methu yn gyfreithiol â phleidleisio, (e.e. os yw'r person wedi'i gollfarnu ac wedi'i gadw mewn carchar yn unol â'i ddedfryd).

**Changes to legislation:**

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