STATUTORY INSTRUMENTS

1978 No. 1915

WALES, DEVOLUTION

The Wales Act 1978 (Referendum) Order 1978

Laid before Parliament in draft

Made - - - - 20th December 1978

Coming into Operation 20th December 1978

At the Court at Buckingham Palace, the 20th day of December 1978

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and approved by resolution of each House:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by paragraphs 1 and 4 of Schedule 12 to the Wales Act 1978(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and Operation

1. This Order may be cited as the Wales Act 1978 (Referendum) Order 1978 and shall come into operation forthwith.

Interpretation

2.—(1) Unless the contrary intention appears, in this Order, and in any provision applied by this Order:—

the "Act of 1949" means the Representation of the People Act 1949(b);

the "Act of 1969" means the Representation of the People Act 1969(c);

"Chief Counting Officer" means the person appointed as such under paragraph 7 of Schedule 12 to the Wales Act 1978;

"counting officer" means any person appointed by the Chief Counting Officer under paragraph 7 of Schedule 12 to the Wales Act 1978 as counting officer for a county in Wales and includes the Chief Counting Officer;

"elector" means a person who is entitled under paragraph 2 of Schedule 12 to the Wales Act 1978 to vote in the referendum;

"observer" means a person appointed in accordance with Article 5;

"referendum" means the referendum to be held under section 80 of, and Schedule 12 to, the Wales Act 1978;

"register" means a register of parliamentary, or in the case of peers, local government electors prepared under the Act of 1949 for use at parliamentary or local government elections after 15th February 1979 and before 16th February 1980, and "registered" in relation to an elector, means a person registered on a register;

"registration officer" means an electoral registration officer appointed under section 39 of the Local Government Act 1972(d) as registration officer for any parliamentary constituency or part of any parliamentary constituency in Wales;

"Regulations of 1969" means the Town and Country Planning (Control of Advertisements) Regulations 1969 to 1975(e);

(a) 1978 c. 52. (b) 1949 c. 68. (c) 1969 c. 15. (d) 1972 c. 70.
(e) S.I. 1969/1532; 1972/489; 1974/185; 1975/898.

"Regulations of 1974" means the Representation of the People Regulations 1974(a);

"returning officer" means a person discharging the functions conferred on him in relation to the referendum by paragraph 6 of Schedule 12 to the Wales Act 1978;

"verifying officer" means a counting officer or a person appointed by a counting officer to verify ballot paper accounts;

and any other expression which is used in this Order and which is also used in the Act of 1949 or in the Act of 1969 shall have the same meaning in this Order as it has in such Act.

(2) Without prejudice to Article 3(4), a reference in this Order to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as amended by any enactment or instrument.

(3) Unless the contrary intention appears, a reference in this Order to a numbered Article or Schedule is a reference to an Article in or Schedule to this Order.

(4) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Application of certain statutory provisions to the referendum

3.—(1) The provisions of the Act of 1949 and of the Act of 1969 specified in column 1 of Schedule 1 shall, subject to the modifications or exceptions (if any) specified in relation to those provisions in column 2 of that Schedule, apply in connection with the referendum.

(2) The provisions of the Regulations of 1969 and of the Regulations of 1974 specified in column 1 of Schedule 2 shall, subject to the modifications or exceptions (if any) specified in relation to those provisions in column 2 of that Schedule, apply in connection with the referendum.

(3) Unless the contrary intention appears, in the provisions applied by Schedules 1 and 2:—

(*a*) any reference to an election, parliamentary election or general election shall be construed as a reference to the referendum;

(*b*) any reference to a constituency shall be construed as a reference to the area for which a returning officer acts;

(*c*) any reference to a local government election, candidate, nomination, election agent, polling agent, counting agent or election court and any provision relating solely to Scotland or to Northern Ireland shall be disregarded.

(4) Unless the contrary intention appears, in the provisions applied by Schedules 1 and 2, any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as amended by any enactment or instrument and as applied and modified by this Order.

The polling day and hours

4.—(1) The referendum shall be held on 1st March 1979.

(2) The hours of polling shall be between 7 a.m. and 10 p.m. on the day of the referendum.

(a) S.I. 1974/648. (b) 1889 c. 63.

Observers

5.—(1) The Secretary of State may make arrangements for the appointment of persons to observe the verification of the ballot paper accounts and the counting of the votes.

(2) Any such appointment shall be in writing and shall be signed by the person appointing.

Voting by post or by proxy

6.—(1) Subject to the provisions of paragraph (5) of this Article, an application to be treated as an absent voter, an application for the appointment of a proxy or an application by a proxy to vote by post which:—

(*a*) the registration officer has allowed for an indefinite period for use in parliamentary and local government elections (or, in the case of a peer, local government elections only), and

(*b*) remains in force on 15th February 1979,

shall be deemed to have been allowed for the purposes of the referendum; and sections 12, 13, 14 and 15 (or, in the case of a peer, section 25) and section 41 of the Act of 1949, sections 1(3), 5 and 6(3) of the Act of 1969 and Regulations 29 to 34 (inclusive) and Regulation 36 of the Regulations of 1974 shall apply accordingly.

(2) Subject to the provisions of paragraph (5) of this Article, a person may apply to be treated as an absent voter at the referendum for any of the reasons envisaged in paragraphs (*a*) to (*d*) inclusive of Form S (Application to be treated as an absent voter for a particular election) in the Schedule to the Regulations of 1974; and the said form, together with paragraphs (1)(*a*), (2)(*a*) and (3) of Regulation 29 and Regulation 36 of those Regulations, sections 12, 13, 14 and 15 (or, in the case of a peer, section 25) and section 41 of the Act of 1949 and sections 1(3), 5 and 6(3) of the Act of 1969, shall be deemed to have effect for this purpose.

(3) Subject to the provisions of paragraph (5) of this Article, a person who has applied to be treated as an absent voter at the referendum on the grounds of his service in one of Her Majesty's reserve or auxiliary forces may apply for the appointment of a proxy; and Form D (Proxy Paper) and Form U (Application for appointment of proxy) in the Schedule to the Regulations of 1974, together with paragraphs (1) and (3) of Regulation 31 of those Regulations, sections 12(3), 14 and 15 (or, in the case of a peer, section 25) and section 41 of the Act of 1949 and sections 1(3), 5 and 6(3) of the Act of 1969 shall be deemed to have effect for this purpose.

(4) Articles 3(3) and 3(4) shall apply for the purposes of the provisions applied by this Article as they apply to the provisions applied by Schedules 1 and 2.

(5) Any application to which this Article applies, any application to be no longer treated as an absent voter or any notice cancelling the appointment of a proxy shall be disregarded by the registration officer if it is received by him after 15th February 1979: Provided that an application to be treated as an absent voter on the grounds of employment on the day of the poll by a returning officer or as a constable may be allowed after that date.

Expenses of Returning Officers

7. The expenses to which a returning officer is entitled as the expenses which he has incurred for the purposes of or in connection with the referendum shall be defrayed as administrative expenses of the Secretary of State.

N.E. Leigh,
Clerk of the Privy Council.

Article 3 (1) SCHEDULE 1

Application and Modification of Provisions of the Act of 1949 and the Act of 1969

Provision applied and subject matter	Modifications
THE REPRESENTATION OF THE PEOPLE ACT 1949	
In section 11 (Polling districts and polling places), subsections (1) and (8).	After subsection (1) add: "(2) The polling districts and the polling places designated under this section for the purposes of the referendum shall be the same as those used for elections of county councillors except where special circumstances make it desirable for the returning officer to designate some other polling district or polling place.".
In section 12 (Place and manner of voting as elector), subsection (1).	At beginning, insert "Subject to Article 6 of the Wales Act 1978 (Referendum) Order 1978" and omit from "except" to the end.
In section 16 (Rules for parliamentary elections), subsections (1) and (2).	In subsection (2), after "officer" insert "and the counting officer".
Section 20 (Payments by and to returning officer).	Omit subsection (1). In subsection (2), for "The Treasury shall by statutory instrument prescribe" substitute "The Secretary of State, with the consent of the Treasury, shall determine"; and omit the words "and may revise the scale as and when they think fit". For subsection (4), substitute: "(4) On an account being submitted to the Secretary of State for payment of a returning officer's charges the Secretary of State may, if he thinks fit, apply for the account to be taxed under the following provisions of this section." In subsection (5), for "The Treasury" substitute "The Secretary of State" and for "they think" (wherever the words occur) substitute "he thinks". In subsection (6), for "The Treasury may make regulations as to" substitute "The Secretary of State may specify".
Section 39 (Effect of registers, etc.).	In subsection (4), omit "prevent the rejection of the vote on a scrutiny or".
Section 41 (Discharge of registration duties).	
Section 47 (Personation).	
Section 48 (Other voting offences).	

Provision applied and subject matter	Modifications
Section 50 (Breaches of official duty).	In subsection (3), after "Clerk of the Crown" insert "counting officer, verifying officer,".
Section 52 (Tampering with ballot papers).	
Section 53 (Requirement of secrecy).	In subsection (1), for paragraph (*b*) substitute: "(*b*) every Member of Parliament so attending;". In subsection (2), before "counting of the" in the first and third places where the words occur insert "verification of the ballot paper accounts or the"; in paragraph (*b*), for from "candidate for whom" to the end of the paragraph substitute "way in which any vote is given on any particular ballot paper or where it was cast". After subsection (2) insert: "(2A) No person attending at the verification of the ballot paper accounts or the counting of the votes shall without authority express to any person an opinion based on information obtained at that verification or count as to the likely outcome of that count.". In subsections (3)(*b*) and (*c*), (4)(*d*) and (5), for "candidate for whom" substitute "way in which". In subsection (3)(*d*), for "name of the candidate for whom" substitute "way in which".
Section 80 (Use of wireless stations abroad).	
Section 81 (Imitation poll cards).	For "the election of any candidate" substitute "a particular result".
Section 82 (Right to use certain schools and halls for meetings at parliamentary elections).	In subsection (1), for from "a candidate" to "receipt of the writ" substitute "any person shall be entitled for the purpose of holding public meetings for the purpose of promoting or procuring a particular result at the poll to the use at reasonable times between 8th February 1979". In subsection (2), omit from "but a candidate" to the end of the subsection. In subsection (5), for "candidate" substitute "person".
Section 84 (Disturbances at election meetings).	For subsection (2), substitute: "(2) This section applies to a meeting in connection with the poll held between 8th February 1979 and the date of the poll.".

Provision applied and subject matter	Modifications
Section 85 (Effect on rateability of premises of holding election meeting).	For "any person's candidature" substitute "obtaining a particular result".
Section 89 (Restrictions on conveyance of voters).	In subsection (3), for "the election of a candidate" substitute "a particular result at the poll".
Section 90 (Supplemental provisions as to conveyance of voters).	In subsection (4), omit "county" and "for that constituency".
Section 93 (Premises not to be used as committee rooms).	In subsection (1), for "the election of a candidate" substitute "a particular result at the poll".
Section 94 (Payments for exhibition of election notices).	In subsection (1), for "the election of a candidate" substitute "a particular result".
Section 95 (Name and address of printer on election publications).	In subsection (1), for "the election of a candidate" substitute "a particular result at the poll". In subsection (3), for "candidate or election agent" substitute "person" and omit from the first "shall" to "acting".
Section 96 (Prohibition of paid canvassers).	For "the election of a candidate" substitute "a particular result at the poll".
Section 98 (Providing money for illegal purposes).	Omit "or for any expenses incurred in excess of the maximum amount allowed by this Act"; and from "or expenses" to "exception".
Section 99 (Bribery).	In subsection (2), for "the return of any person" (twice) substitute "a particular result".
Section 100 (Treating).	
Section 101 (Undue influence).	
Section 103 (Interpretation of Part II).	Omit all definitions except "payment".
Section 104 (Savings as to parliamentary elections).	Omit subsection (1). In subsection (2), for "for any particular candidate" (twice) substitute "in a particular way".
Section 105 (Rights of creditors).	Omit paragraphs (*b*) and (*c*); and "or the expense was incurred" and "or expense".
Section 146 (Prosecutions for corrupt practices).	
Section 147 (Prosecutions for illegal practices).	

Provision applied and subject matter	Modifications
Section 148 (Conviction of illegal practice on charge of corrupt practice, etc.).	
Section 151 (Incapacities on conviction of corrupt or illegal practice).	
In Section 152 (Mitigation and remission of incapacities), subsections (5) and (6).	
Section 153 (Illegal payments, employments or hirings), subsections (1) and (3).	
Section 154 (Time limit for prosecutions).	
Section 155 (Prosecutions for offences committed outside the United Kingdom).	
Section 156 (Offences by corporations).	
Section 158 (Evidence by certificate of holding of elections).	
Section 159 (Provisions as to Director of Public Prosecutions).	
Section 163 (Interpretation of Part III).	
Section 171 (General provisions as to interpretation).	Omit subsection (5).
SECOND SCHEDULE (PARLIAMENTARY ELECTIONS RULES).	
Rule 18 (Poll to be taken by ballot).	Omit from "the result" to the end of the rule.
Rule 19 (Ballot papers).	In paragraph (1), omit all after the first "ballot paper". In paragraph (2), omit from the beginning of the paragraph to the end of sub-paragraph (*a*) and substitute: "(2) Every ballot paper— (*a*) shall as to the front thereof be in the form set out in the Appendix to Schedule 12 to the Wales Act 1978 and as to the back thereof shall be in the form in the Appendix to this Schedule;". Omit paragraph (3).
Rule 20 (Official mark).	
Rule 21 (Prohibition of disclosure of vote).	Omit "to question the election or return" and for "for whom" substitute "how".

Provision applied and subject matter	Modifications
Rule 22 (Use of schools and public rooms for poll).	In paragraph (1), after "The returning officer" insert "the counting officer and the verifying officer" and after "poll" insert "counting the votes or verifying the ballot paper accounts, as the case may be,". In paragraph (2), after "the returning officer" insert "counting officer or verifying officer, as the case may be,".
Rule 23 (Notice of poll).	For the rule substitute: "23. The returning officer shall publish not later than 8th February 1979 notice of the poll stating the day on which and hours during which the poll will be taken.
Rule 25 (Postal ballot papers).	
Rule 26 (Provision of polling stations).	In paragraph (1), after "electors" insert "in the area for which he acts".
Rule 27 (Appointment of presiding officers and clerks).	In paragraph (1), for from "but" onwards substitute "the verifying officer shall appoint such persons as may be necessary for the purpose of verifying the ballot paper accounts and the counting officer shall appoint such persons as may be necessary for the purpose of the counting of the votes.".
Rule 28 (Special lists).	
Rule 29 (Issue of official poll cards).	
Rule 30 (Equipment of polling stations).	Omit paragraph (5).
Rule 32 (Declaration of secrecy).	In paragraph (1), for sub-paragraphs (*b*)–(*f*) substitute: "(*b*) every clerk authorised to attend at a polling station; (*c*) every Member of Parliament attending at a polling station.". For paragraph (2) substitute: "(2) Before ballot paper accounts are verified or votes are counted, a declaration of secrecy in the form in paragraph (6) of this rule, or in a form as near thereto as circumstances admit, shall be made by: (*a*) the verifying officer and persons appointed to assist him; (*b*) the counting officer and persons appointed to assist him; (*c*) every Member of Parliament attending at the verification of the ballot paper accounts or at the counting of the votes; (*d*) every observer;

Provision applied and subject matter	Modifications
Rule 32 (*continued*)	(*e*) every person permitted by the verifying officer or the counting officer to attend at the verification of the ballot paper accounts or the counting of the votes, though not entitled to do so.". In paragraphs (3) and (4), omit the references to section 53(2), and after "declaration" wherever it occurs insert "referred to in paragraph (1) of this rule". After paragraph (4) add: "(5) The counting officer shall make the declaration referred to in paragraph (2) of this rule in the presence of a Justice of the Peace, and any other person shall make the declaration in the presence either of a Justice of the Peace or of the counting officer or of a person authorised by the counting officer for the purpose and section 53(2) and (2A) of this Act shall be read to the declarant by the person taking the declaration or shall be read by the declarant in the presence of that person. (6) The declaration referred to in paragraph (2) of this rule shall be as follows:— 'I solemnly promise and declare that I will not do anything forbidden by sections 53(2) and (2A) of the Representation of the People Act 1949 which has been read [to] [by] me.' ".
Rule 33 (Admission to polling stations).	For sub-paragraph (1)(*b*) substitute: "(*b*) the Member of Parliament for the constituency in which the polling station is situated;".
Rule 34 (Keeping of order in station).	
Rule 35 (Sealing of ballot boxes).	
Rule 36 (Questions to be put to voters).	In paragraph (1), omit "parliamentary" and "bye-election" (twice).
Rule 38 (Voting procedure).	
Rule 39 (Votes marked by presiding officer).	
Rule 40 (Voting by blind persons).	
Rule 41 (Tendered ballot papers).	
Rule 42 (Spoilt ballot papers).	

Provision applied and subject matter	Modifications
Rule 43 (Adjournment of poll in case of riot).	
Rule 44 (Procedure on close of poll).	In paragraph (1), for "returning officer" (three times) substitute "verifying officer".
Rule 45 (Attendance at counting of votes).	For the rule substitute: "*Attendance at verification of ballot paper accounts* 45.—(1) The verifying officer shall make arrangements for verifying the ballot paper accounts forwarded to him. (2) No person, other than the verifying officer and his assistants, the Member of Parliament for a constituency wholly or partly within the area in which the ballot papers to which the ballot paper accounts relate were cast, observers and other persons permitted by the verifying officer to attend the verification may be present thereat. (3) The verifying officer may limit the number of observers present at the proceedings so that the proportion of observers to his assistants is one observer to two assistants. (4) The verifying officer shall allow observers such reasonable facilities for observing the proceedings and shall give them such information with respect thereto as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection therewith. *Procedure at verification of ballot paper accounts.* 45A.—(1) The verifying officer shall:— (*a*) open each ballot box in his possession containing postal ballot papers or postal ballot paper envelopes and count such of the postal ballot papers therein as have been duly returned and record the number counted; and (*b*) open each other ballot box in his possession and, taking out the ballot papers therein, count and record the number thereof and verify each ballot paper account.

Provision applied and subject matter	Modifications
Rule 45 (*continued*)	(2) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated. (3) The verifying officer shall not count any tendered ballot paper. (4) The verifying officer, while counting and recording the number of ballot papers, shall keep the ballot papers with their faces downwards. (5) The verifying officer shall verify each ballot paper account forwarded to him by comparing it with the number of ballot papers recorded by him and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and re-sealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification which any observer present at the verification may copy. (6) The verifying officer shall, subject to the directions of the Chief Counting Officer, determine the hours during which the procedure under this rule is proceeded with. (7) During the time that the procedure under this rule is not proceeded with the verifying officer shall take proper precautions for the security of the ballot papers and documents. (8) On completion of the procedure under this rule the verifying officer, subject to the directions of the Chief Counting Officer, shall make up into packets the ballot papers counted by him, seal them up in containers endorsing on each a description of the area to which the ballot papers relate, and deliver the containers to the counting officer together with a list of them and of the contents of each container and a statement of his verification of the ballot paper accounts. *Attendance at counting of votes* 45B.—(1) The counting officer shall make arrangements for the counting of the votes. (2) No person, other than the counting officer and his assistants, the Member of Parliament for a constituency wholly or partly within the

Provision applied and subject matter	Modifications
Rule 45 (*continued*)	area in which the ballot papers to b counted were cast, observers an other persons permitted by the coun ing officer to attend the count, ma be present at the count. (3) The counting officer may lim the number of observers present at th count so that the proportion c observers to his assistants is on observer to two assistants. (4) The counting officer shall allov observers such reasonable facilities fo observing the count and shall giv them such information with respec thereto as he can give them con sistently with the orderly conduct o the count and the discharge of hi duties in connection therewith.".
Rule 46 (The count).	For the rule substitute: "46.—(1) The counting officer shal open all the packets containing ballo papers counted by verifying officers (2) The counting officer shall ther mix together all the ballot papers received. (3) The counting officer shall then count the ballot papers and the respective answers given by valid votes and while so doing shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers. (4) The counting officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment: Provided that he may, subject to the directions of the Chief Counting Officer, exclude the hours between seven o'clock in the evening and nine o'clock on the following morning. (5) During the excluded time the counting officer shall take proper precautions for the security of the ballot papers and documents.".
Rule 48 (Rejected ballot papers).	For sub-paragraph (1)(*b*), substitute: "(*b*) on which more than one vote is given; or". In paragraph (2), for "for one or other of the candidates" substitute "for or against the question". In paragraph (3), for "returning officer" substitute "counting officer" and omit all after "counted".

Provision applied and subject matter	Modifications
Rule 48 (*continued*)	In paragraph (4), for "returning officer" substitute "counting officer" and for sub-paragraph (4)(*b*) substitute: "(*b*) giving more than one vote.".
Rule 49 (Decisions on ballot papers).	For "returning officer" substitute "counting officer" and omit from "but" onwards.
Rule 51 (Declaration of result).	For the rule substitute: "51. Before the counting officer makes any public announcement concerning the numbers required to be certified in accordance with paragraph 8 of Schedule 12 to the Wales Act 1978 or certifies the numbers so required, he shall consult the Chief Counting Officer who may, without prejudice to any other directions which he may give, direct the counting officer to recount the ballot papers.".
Rule 55 (Verification of ballot paper account).	In paragraph (1), for "at a contested election the returning officer" substitute "the counting officer". In paragraph (3), for "returning officer" substitute "counting officer".
Rule 56 (Delivery of documents to the Clerk of the Crown).	For the rule substitute: "56. The counting officer and the verifying officer shall, as soon as may be after the Chief Counting Officer has certified in accordance with paragraph 8 of Schedule 12 to the Wales Act 1978 the numbers there mentioned, forward to the Secretary of State such of the following documents as they have in their possession, that is to say:— (*a*) the packets of ballot papers; (*b*) the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts; (*c*) the ballot paper accounts; (*d*) the tendered votes list, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the statements relating thereto, and the declarations made by the companions of blind voters; (*e*) the packets of counterfoils and certificates as to employment on duty on the day of the poll; (*f*) the packets containing marked copies of registers and of lists of proxies;

Provision applied and subject matter	Modifications
Rule 56 (*continued*)	endorsing on each packet a description of its contents and the name of the area for which the counting officer or verifying officer is appointed.".
APPENDIX TO THE SECOND SCHEDULE	
Form of back of ballot paper.	For the form of back of ballot paper substitute: "No..... ..... (Name of returning officer's area). *Note: The number on the ballot paper is to correspond with that on the counterfoil.*".
Form of directions for the guidance of the voters in voting.	For paragraph 2, substitute: "2. The voter will go into one of the voting compartments and read the question printed on the ballot paper carefully. He will mark his vote secretly with the pencil provided in the compartment in the following way. If his answer is YES, he will put one X in the box to the right of the word YES on the ballot paper. If his answer is NO, he will put one X in the box to the right of the word NO on the ballot paper.". In paragraph 6, for "for more than one candidate", substitute "both YES and NO,".
Form of declaration to be made by the companion of a blind voter at a parliamentary election.	For "the election now being held in this constituency" substitute "the referendum now being held under the Wales Act 1978".
REPRESENTATION OF THE PEOPLE ACT 1969	
In section 7 (Preparation and correction of register of electors), subsection (2).	For "on or after the date" to the end of the subsection substitute "shall not have effect for the purposes of the referendum if made on or after 16th February 1979.".
SCHEDULE 1, PART II Paragraph 8(1) (Declaration of Secrecy).	

SCHEDULE 2 *Article 3 (2)*

Application and modification of provisions of the Regulations of 1969 and the Regulations of 1974

Provision applied and subject matter	Modifications
THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1969	
Regulation 2 (Interpretation).	
Regulation 9 (Election notices).	
REPRESENTATION OF THE PEOPLE REGULATIONS 1974	
Regulation 4 (Interpretation).	
Regulation 37 (Certificate of employment).	
Regulation 38 (Interpretation of Part IV).	
Regulation 39 (Form of postal ballot paper).	
Regulation 40 (Form of declaration of identity).	
In regulation 41 (Persons entitled to be present at issue and receipt of postal ballot papers), paragraph (1).	
Regulation 42 (Declaration of secrecy).	
Regulation 44 (Marking of postal ballot paper).	
Regulation 45 (Refusal to issue postal ballot paper).	
Regulation 46 (Ballot paper envelope).	
In regulation 47 (Delivery of postal ballot papers to post office), paragraph (1).	
Regulation 48 (Provision of postal voters' ballot box).	
Regulation 49 (Sealing up of special lists and counterfoils).	
Regulation 50 (Spoilt postal ballot paper).	
Regulation 51 (Receipt of covering envelope).	
In regulation 52 (Opening of postal voters' ballot box), paragraphs (1) and (2).	
Regulation 53 (Opening of covering envelopes).	In sub-paragraph (5)(*a*), omit the words from "which" to end of the sub-paragraph.
Regulation 54 (Sealing up of rejected votes and declarations of identity).	

Provision applied and subject matter	Modifications
Regulation 55 (Opening of ballot paper envelopes).	
Regulation 57 (Forwarding of documents).	For paragraph (1) substitute: "(1) As soon as practicable after the close of the poll, the returning officer shall forward to the verifying officer the ballot box referred to in Regulation 53(5). (1A) As soon as may be after the Chief Counting Officer has, in accordance with paragraph 8 of Schedule 12 to the Wales Act 1978 certified the numbers there mentioned, the returning officer shall forward to the Secretary of State— (*a*) any packets referred to in Regulations 49, 50, 54 or 55 endorsing on each packet a description of its contents and the name of the 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 other particulars with respect to such papers as the Secretary of State may require.". In paragraph (2), for the reference to "paragraph (1)", substitute a reference to "paragraph (1A)". Omit paragraphs (3) and (4).
Regulation 67 (Official poll card at parliamentary elections).	
In regulation 69 (Forms), paragraph (3).	In paragraph (3), at the end of the paragraph insert "and with such modifications as may be appropriate for the referendum".
Regulation 70 (Sending of notices, etc.).	
Regulation 72 (Misnomers).	
In regulation 74 (Penalties), paragraph (2).	
SCHEDULE (FORMS)	
FORM E (Elector's official poll card).	On the front of card below the words "Representation of the People Acts" put "Referendum". On the back of card, for the paragraph beginning "Mark your vote" substitute: "Take the ballot paper to one of the voting compartments and read the question printed on it carefully. Mark your vote secretly in the following way. If your answer is YES, put one X in the box to the right of the word

Provision applied and subject matter	Modifications
FORM E (*continued*)	YES on the ballot paper. If your answer is NO, put one X to the right of the word NO on the ballot paper. If you put any other mark on the ballot paper your vote may not be counted.".
FORM F (Proxy's official poll card).	
FORM H (Declaration of Identity).	On the back of the form, for paragraphs (2) and (3) substitute: "(2) Read the question printed on the ballot paper carefully. Mark your vote in the following way. If your answer is YES put one X in the box to the right of the word YES on the ballot paper. If your answer is NO, put one X in the box to the right of the word NO on the ballot paper. If you put any other mark on the ballot paper your vote may not be counted. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision with respect to the conduct of the referendum to be held in Wales under the Wales Act 1978 and specifies the date on which the poll is to be held. It provides that applications to vote by post or by proxy at a parliamentary, or, in the case of a peer, a local government election, shall apply for the purposes of the referendum and provides for the appointment of observers at the count and the verification of ballot paper accounts. It also provides for the expenses of returning officers to be defrayed as administrative expenses of the Secretary of State.

Schedules 1 and 2 specify the provisions of the Representation of the People Acts and subordinate legislation which apply to the referendum, together with appropriate modifications. The modifications take account in particular of the absence in relation to the referendum of candidates and their election, polling and counting agents.

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