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DRAFT STATUTORY INSTRUMENTS

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**2001 No.**

**The Local Authorities (Conduct of  
Referendums) (England) Regulations 2001**

**Notional referendum expenses**

7.—(1) This regulation applies where—

- (a) property, services or facilities is or are provided for the use or benefit of any person either—
  - (i) free of charge; or
  - (ii) at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the services or facilities; and
- (b) the property, services or facilities is or are made use of by or on behalf of that person in circumstances such that, if any expenses were to be (or are) actually incurred by him or on his behalf in respect of that use, they would be (or are) referendum expenses incurred by him or on his behalf.

(2) Subject to paragraph (5), where this regulation applies an amount of referendum expenses determined in accordance with paragraph (3) shall, unless it is not more than £200, be treated for the purposes of regulation 6 as incurred by that person during the period for which the property, services or facilities is or are made use of as mentioned in paragraph (1)(b).

(3) The amount mentioned in paragraph (2) is such proportion of either—

- (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of that person in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, services or facilities as mentioned in paragraph (1)(b).

(4) Where the services of an employee are made available by his employer for the use or benefit of a person, the amount which is to be taken as constituting the commercial rate for the provision of those services shall be the amount of the remuneration or allowances payable to the employee by his employer in respect of the period for which his services are made available (but shall not include any amount in respect of contributions or other payments for which the employer is liable in respect of the employee).

(5) No amount of referendum expenses shall be regarded as incurred by virtue of paragraph (1) in respect of the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.