
DRAFT STATUTORY INSTRUMENTS

2012 No. XXXX

TOWN AND COUNTRY PLANNING, ENGLAND

The Neighbourhood Planning (Referendums) Regulations 2012

Made - - - - *****

Coming into force in accordance with regulation 1

**THE NEIGHBOURHOOD PLANNING
(REFERENDUMS) REGULATIONS 2012**

1. Citation and commencement
2. Interpretation
3. Question to be asked in a referendum
4. Information to be made available in relation to referendums
5. Restriction on publication etc of promotional material
6. General restriction on referendum expenses
7. Notional referendum expenses
8. Conduct of referendum: poll at referendum not taken together with poll at relevant election or referendum
9. Counting officer
10. Cross-boundary referendum areas and the Chief Counting Officer
11. Combination of polls: general
12. Combination of polls: conduct of referendum
13. Combination of polls: supplementary provisions relating to relevant elections
14. Advertisements
15. Non-domestic rating: premises used for referendum purposes
16. Referendums not arranged by the local planning authority
Signature

SCHEDULE 1 — Question to be asked in a referendum

1. Do you want [insert name of local planning authority] to...
2. Do you want the type of development in the neighbourhood...
3. Do you want the development in the community right to...

SCHEDULE 2 — Matters relevant to referendum expenses

1. Advertising of any nature (whatever the medium used): Expenses in...

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2. Unsolicited material addressed to voters (whether addressed to them by...
3. Any material of a description referred to in regulation 5(1)....
4. Market research or canvassing conducted for the purposes of ascertaining...
5. The provision of any property, services or facilities in connection...
6. Transport (by any means) of persons to any place or...
7. Rallies and other events, including public meetings organised so as...
8. Nothing in paragraphs 1 to 7 is to be taken...

SCHEDULE 3 — THE NEIGHBOURHOOD PLANNING REFERENDUMS RULES

PART 1

1. Citation
2. Interpretation

PART 2

3. Timetable
4. Computation of time

PART 3

5. Notice of referendum
6. Poll to be taken by ballot
7. The ballot papers
8. The corresponding number list
9. The official mark
10. Prohibition of disclosure of vote
11. Use of schools and public rooms
12. Cross-boundary referendum areas

PART 4

13. Notice of poll
14. Postal ballot papers
15. Provision of polling stations
16. Appointment of presiding officers and polling clerks
17. Issue of official poll cards
18. Equipment of polling stations
19. Appointment of polling observers and counting observers
20. Notification of requirement of secrecy
21. Return of postal ballot papers

PART 5

22. Admission to polling station
23. Keeping of order in station
24. Sealing of ballot boxes
25. Questions to be put to voters and proxies
26. Challenge of voter or proxy
27. Voting procedure
28. Votes marked by presiding officer
29. Voting by persons with disabilities
30. Tendered ballot papers: circumstances where available
31. Tendered ballot papers: general provisions
32. Spoilt ballot papers
33. Correction of errors on day of poll
34. Adjournment of poll in case of riot
35. Procedure on close of poll

PART 6

36. Attendance at counting of votes
37. The count
38. Re-count

39. Rejected ballot papers
40. Decisions on ballot papers
41. Equality of votes
- PART 7
42. Declaration of result
43. Declaration of result: cross-boundary referendum areas
44. Sealing up of ballot papers
45. Delivery of documents to relevant registration officer
46. Orders for production of documents
47. Retention of documents
- PART 8

Form 1 - Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Form 2 - Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Form 3 - Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

Form 4 - Corresponding Number List L1

Form 5 - Corresponding Number List L2

Form 6 - Form of Postal Voting Statement

Form 7 - Official Poll Card (to be sent to a voter voting in person)

Form 8 - Official Postal Poll Card (to be sent to a voter voting by post)

Form 9 - Official Proxy Poll Card (to be sent to an appointed proxy voting in person)

Form 10 - Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

Form 11 - Form of directions for the guidance of the voters and proxies in voting

Form 12 - Form of Certificate of Employment

Form 13 - Form of declaration made by the companion of a voter or proxy with disabilities

SCHEDULE 4 — Application, with Modification, of other Acts and Subordinate Legislation

PART 1

PART 2

1. The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004
2. In regulation 2 (interpretation)— (a) in paragraph (1), in the...
3. For regulation 4(8) substitute— (8) Subject to paragraph (9), where...
4. (1) Regulation 5 (functions at combined polls) is amended as...
5. (1) In regulation 6(3) and (4) (modification of provisions about...
6. In regulation 8 (modification of parliamentary elections rules)—
7. In Schedule 2 (modifications to parliamentary elections rules)—
- PART 3
8. Other secondary legislation about combination of polls
9. The European Parliamentary Elections Regulations 2004

10. In regulation 2 (interpretation), in the definition of “referendum” after...
11. In regulation 11 (combination of polls)— (a) omit “or” at...
12. In paragraph 23(4) and (5) of Schedule 1 (European Parliamentary...
13. In Schedule 2 (absent voting)— (a) in paragraph 17(9), after...
14. In Schedule 3 (modification of European Parliamentary elections rules for...
15. The Local Elections (Principal Areas) (England and Wales) Rules 2006
16. In rule 2 (interpretation)— (a) in paragraph (1) in the...
17. In Schedule 3 (rules for conduct of an election of...
18. The Local Elections (Parishes and Communities) (England and Wales) Rules 2006
19. In rule 2(1) (interpretation)— (a) in the definition of “counting...
20. In Schedule 3 (rules for conduct of an election of...
21. The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007
22. In regulation 2 (interpretation), in the definition of “the Referendums...
23. In Schedule 3 (mayoral election (combination of polls) rules), in...
24. The Greater London Authority Elections Rules 2007
25. In rule 2(1) (interpretation) in the definition of “referendum” after...
26. In rule 5(1) (rules for Authority elections combined with a...
27. In Schedule 5 (the constituency members election rules)—
28. In Schedule 6 (the London members election rules)—
29. In Schedule 7 (the Mayoral election rules)—
30. In Schedule 8 (combined manual count rules) in paragraph 2(1)...
31. The Local Authorities (Conduct of Referendums) (England) Regulations 2012
32. In regulation 2(1) (interpretation), in the definition of “relevant election...
33. In regulation 10 (combination of polls: general) after paragraph (8)...
34. In regulation 11 (combination of referendums and election polls: conduct...
35. The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012
36. In regulation 17(3) (combination and timing of polls: general)—
37. The Police and Crime Commissioner Elections Order 2012
38. In article 2(1) (interpretation), in the definition of “local referendum”...
39. In Schedule 4, after paragraph 13(4) insert—

SCHEDULE 5 — THE NEIGHBOURHOOD PLANNING REFERENDUMS (COMBINATION OF POLLS) RULES

PART 1

1. Citation
2. Interpretation

PART 2

3. Timetable
4. Computation of time

PART 3

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6. Poll to be taken by ballot
7. The ballot papers
8. The corresponding number list
9. The official mark
10. Prohibition of disclosure of vote
11. Use of schools and public rooms
12. Cross-boundary referendum areas

PART 4

13. Notice of poll
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15. Provision of polling stations
16. Appointment of presiding officers and polling clerks
17. Issue of official poll cards
18. Equipment of polling stations
19. Appointment of polling observers and counting observers
20. Notification of requirement of secrecy
21. Return of postal ballot papers
- PART 5
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23. Keeping of order in station
24. Sealing of ballot boxes
25. Questions to be put to voters and proxies
26. Challenge of voter or proxy
27. Voting procedure
28. Votes marked by presiding officer
29. Voting by persons with disabilities
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37. The count
38. Re-count
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40. Decisions on ballot papers
41. Equality of votes
- PART 7
42. Declaration of result
43. Declaration of result: cross-boundary referendum areas
44. Sealing up of ballot papers
45. Delivery of documents to relevant registration officer
46. Orders for production of documents
47. Retention of documents
48. Countermand or abandonment of poll at relevant election on death of candidate
- PART 8

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Form 4 - Corresponding Number List M1

Form 5 - Corresponding Number List M2

Form 6 - Form of Postal Voting Statement (for use where there is joint issue and receipt of postal ballot papers)

Form 7 - Form of Postal Voting Statement (for use where a referendum poll is combined with another poll but the postal ballot papers are not combined)

Form 8 - Official Poll Card (to be sent to a voter voting in person)

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Explanatory Note