
DRAFT STATUTORY INSTRUMENTS

2012 No.

The Neighbourhood Planning (Referendums) Regulations 2012

Information to be made available in relation to referendums

4.—(1) Not fewer than 28 days before the date on which the referendum will be held, the proper officer of the relevant council⁽¹⁾ must ensure the information statement and the specified documents are—

- (a) published on the website of the relevant council; and
- (b) made available during the referendum period for inspection—
 - (i) at the principal offices of the relevant council; and
 - (ii) where the relevant council controls any premises which are open to the public in the referendum area, at such of those premises as the council considers appropriate having regard to the desirability of ensuring a geographical distribution of premises where the statement and documents are made available, provided that in all cases they are available at least at one such premises.

(2) The information statement and the specified documents published in accordance with paragraph (1) must, as far as reasonably practicable, remain available throughout the referendum period in the form in which they were originally published.

(3) For the purposes of this regulation—

- (a) “the information statement” is a statement that specifies—
 - (i) that a referendum will be held;
 - (ii) the date on which the referendum will be held;
 - (iii) the question to be asked in the referendum;
 - (iv) a map of the referendum area;
 - (v) where the referendum area is not identical to the neighbourhood area, a map of the neighbourhood area;
 - (vi) a description of persons entitled to vote in the referendum;
 - (vii) the referendum expenses limit that will apply in relation to the referendum and the number of persons entitled to vote by reference to which that limit has been calculated;
 - (viii) that the referendum will be conducted in accordance with procedures similar to those used at local government elections; and
 - (ix) the address and times at which a copy of the specified documents can be inspected; and
- (b) “the specified documents” are—
 - (i) the draft neighbourhood plan or neighbourhood development order;

(1) “Relevant council” is defined in paragraph 14(3) of Schedule 4B to the 1990 Act.

- (ii) the report made by the independent examiner under paragraph 10 of Schedule 4B to the 1990 (in the case of a neighbourhood plan, as applied by section 38A(3) of the 2004 Act);
 - (iii) a summary of any representations submitted to the independent examiner pursuant to paragraph 9 of Schedule 4B to the 1990 Act;
 - (iv) a statement—
 - (aa) in the case of a draft neighbourhood development order (excluding a community right to build order), that the local planning authority are satisfied the order meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B to the 1990 Act and complies with the provision made by or under sections 61E(2), 61J and 61L of that Act, or
 - (bb) in the case of a draft neighbourhood plan, that the local planning authority are satisfied the draft plan meets those basic conditions and complies with the provision made by or under sections 38A and 38B of the 2004 Act; or
 - (cc) in the case of a community right to build order, that the independent examiner has recommended that the draft order is submitted to a referendum under paragraph 10(3) of Schedule 4C to that Act;
 - (v) a statement that sets out general information as to town and country planning (including neighbourhood planning) and the referendum, which is prepared having regard to any guidance issued by the Secretary of State; and
 - (vi) in the case of a community right to build order, a statement that sets out details of any enfranchisement right⁽²⁾ which are not to be exercisable in relation to land the development of which is to be authorised by the draft order, and the properties, or types of properties, in relation to which, the qualifying body proposes that right is not exercisable.
- (4) The days mentioned in paragraph (5) are to be disregarded in calculating the period of 28 days referred to in paragraph (1).
- (5) The days mentioned in this paragraph are—
- (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England, and
 - (c) any day appointed as a day of public thanksgiving or mourning in England.

(2) See paragraph 11(2) of Schedule 4C to the 1990 Act and regulation 28 of [S.I. 2012/637](#).