

*Draft Regulations laid before Parliament under section 333A of the Town and Country Planning Act 1990, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2013 No. XXXX**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Neighbourhood Planning  
(Referendums) (Amendment)  
Regulations 2013**

*Made* - - - -

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*Coming into force in accordance with regulation 1*



£15.50

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The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraphs 15(5) and 16 of Schedule 4B to the Town and Country Planning Act 1990(a) and section 38A(3) of the Planning and Compulsory Purchase Act 2004(b).

In accordance with paragraph 16(5) of that Schedule, the Secretary of State has consulted the Electoral Commission on these Regulations.

In accordance with section 333(3A) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 and come into force on the day after the day on which they are made.

**Amendment of the Neighbourhood Planning (Referendums) Regulations 2012**

2. The Neighbourhood Planning (Referendums) Regulations 2012(c) are amended in accordance with regulations 3 to 8 below.

**Interpretation**

3. In regulation 2 (interpretation)—

(a) after the definition of “the 2004 Act” insert—

““business referendum” means the additional referendum referred to in paragraph 15 of Schedule 4B to the 1990 Act;” and

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(a) 1990 c.8. Schedule 4B was inserted into the 1990 Act by sections 116 and 121 of, and Schedule 10 to, the Localism Act 2011 (c.20). Section 333(3A) of the 1990 Act was inserted by paragraph 22(3) of Schedule 12 to the Localism Act 2011.  
(b) 2004 c.5. Section 38A of the 2004 Act, inserted by paragraph 7 of Schedule 9 to the Localism Act 2011, applies Schedule 4B to the 1990 Act to neighbourhood plans, subject to the modifications set out in section 38C(5).  
(c) S.I. 2012/2031.

(b) after the definition of “relevant election” insert—

““residential referendum” means the referendum referred to in paragraph 14(2) of Schedule 4B to the 1990 Act.”

### **Information to be made available in relation to referendums**

4.—(1) Regulation 4 (information to be made available in relation to referendums) is amended as follows.

(2) In paragraph (1)—

(a) omit the words before “proper officer”, and

(b) after sub-paragraph (b) insert—

“; and

(c) where regulation 17 applies, and subject to paragraph (3A), made available during the referendum period in such other manner if any as the proper officer considers necessary to bring them to the attention of persons likely to be entitled to vote in the business referendum.”.

(3) After paragraph (1) insert—

“(1A) The information statement and the specified documents must be published in accordance with paragraph (1)(a) not fewer than—

(a) where regulation 17 applies, 56 days before the date on which the referendums will be held (subject to paragraph 3A)); or

(b) in any other case, 28 days before the date on which the referendum will be held.

(1B) Where regulation 17 applies (and subject to paragraph (3B)), the information statement and specified documents must be published on the same date in respect of each of the referendums.”.

(4) In paragraph (3)(a)(i) at the end insert “and, where regulation 17 applies, that two referendums will be held on the same date one of which is a business referendum;”.

(5) In paragraph (3)(a)(ii) after “the date on which the referendum” insert “or referendums”.

(6) In paragraph (3)(a)(iii) after “the question to be asked in the referendum” insert “or referendums”.

(7) For paragraph (3)(a)(vii) to (ix) substitute—

“(vi) a description of persons entitled to vote in the referendum and, where regulation 17 applies, each of the referendums;

(vii) the referendum expenses limit that will apply in relation to the referendum or, where regulation 17 applies, as the overall limit for both referendums, and the number of persons by reference to which that limit has been calculated;

(viii) that the referendum or referendums 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, including, where regulation 17 applies, the specified documents relating to the business referendum; and”;

(8) After paragraph (3) insert—

“(3A) Where regulation 17 applies, the referendum expenses limit in paragraph (3)(a)(vii) shall be published and made available in accordance with paragraph (1) as soon as practicable after the initial registration list is received by the business registration officer.

(3B) Where regulation 17 applies, this regulation does not require publication or making available of more than one statement, nor of the same document more than once, except in so far as is necessary to bring the information set out in paragraph (3) in respect of both referendums to the attention of persons entitled to vote in either of the referendums.

(3C) In this regulation “referendum expenses limit” has the same meaning as in regulation 6(1).”

(9) In paragraph (4) omit the words “of 28 days”.

### **General restriction on referendum expenses**

5.—(1) In regulation 6 (general restriction on referendum expenses) after the definition of “campaign organiser” insert—

““initial registration list” means the information provided by a billing authority to a business registration officer in accordance with paragraph 13 of Schedule 6 and includes any corrections or alterations made to it in accordance with the provisions of that Schedule;”

(2) In the definition of “referendum expenses limit” from the words “where N” to the end of the definition substitute—

“where N is—

- (a) if regulation 17 does not apply, the number of entries in the relevant register;
- (b) if regulation 17 applies, the sum of the number of entries in the relevant register and the number of rate-payers on the initial registration list;”

### **Conduct of referendums and combination of polls**

6.—(1) In regulation 8(1) (conduct of referendum: poll at referendum not taken together with the poll at a relevant election), after the words “in relation to the” insert “residential”.

(2) For regulation 11(1) (combination of polls: general), substitute—

“(1) Where the poll at a residential referendum would be taken on a day that falls within the period beginning 28 days before the day on which the poll is to be taken at a relevant election—

- (a) the poll at the referendum (or at both the residential referendum and the business referendum, where an additional referendum is required to be held in accordance with paragraph 12(4) of Schedule 4B to the 1990 Act) may be taken on the day on which the poll is to be taken at the relevant election; and
- (b) the poll at the residential referendum may be taken together with the poll at the relevant election if the returning officer or counting officer for the relevant election and the counting officer for the referendum think fit.”

(3) For regulation 11(2) (combination of polls: general) substitute—

“(2) Where the poll at a residential referendum would be taken on a day that falls within the period beginning 28 days before the day on which the poll is to be taken at another residential referendum—

- (a) the poll at the referendum (or at both the residential referendum and the business referendum, where an additional referendum is required to be held in accordance with paragraph 12(4) of Schedule 4B to the 1990 Act) may be taken on the day on which the poll is to be taken at the other residential referendum; and
- (b) the poll at both the residential referendums may be taken together if the counting officer thinks fit.”

(4) In regulation 12(1) (combination of polls: conduct of referendum) for the words “in relation to the referendum” substitute “in relation to a residential referendum”.

### **Business referendums**

7.—(1) After regulation 16 (referendums not arranged by the local planning authority), insert—

## **“Business referendums**

17.—(1) This regulation applies where a business referendum is required to be held.

(2) The business referendum must be held on the same date as the corresponding residential referendum.

(3) Schedule 6 is to have effect.

(4) The poll at the business referendum is to be conducted in accordance with the Neighbourhood Planning Business Referendums Rules as set out in Schedule 7.

(5) The provisions mentioned in the Tables in Schedule 8 have effect in relation to the business referendum subject to—

- (a) unless the context otherwise requires the general modifications specified in paragraph (6), and
- (b) the modifications specified in those Tables.

(6) The general modifications are—

- (a) a reference to an election must be construed as a reference the business referendum;
- (b) a reference to a returning officer must be construed as a reference to the counting officer;
- (c) a reference to a register or a register of parliamentary or local government electors must be construed as a reference to the business voting register;
- (d) a reference to a constituency, an electoral division or a ward, or a reference to a voting area must be construed as a reference to the referendum area;
- (e) a reference to any local authority by or in respect of which an election is held must be construed as a reference to the relevant council;
- (f) a reference to voting for, or a vote for, a candidate must be construed as a reference to voting for, or a vote for, an answer;
- (g) a reference to promoting or procuring the election of a candidate, or furthering a person’s candidature, must be construed as a reference to promoting or procuring a particular result in the business referendum;
- (h) a reference to the return of a person must be construed as a reference to a particular result in the business referendum;
- (i) a reference to an elector or a proxy must be construed as a reference to a business vote holder or a named voter;
- (j) where anything is required to be done in the presence of election, polling, counting or other agents, the reference to the presence of agents is ignored;
- (k) a reference to anything having been prescribed must be construed as a reference to its being provided for by a provision of subordinate legislation applied by these Regulations;
- (l) a form which is required to be used may be used with such variations as the circumstances require;
- (m) a reference to the registration officer, in relation to a district, London borough, the Common Council of the City of London or the Isles of Scilly, is a reference to the business registration officer;
- (n) any reference to an enactment or instrument made under an enactment must be construed as a reference to that enactment or instrument as applied by these Regulations;
- (o) so much of any provision as applies to an election petition is ignored;
- (p) so much of any provision as applies only in Scotland, Wales or Northern Ireland is ignored.

(7) In this regulation—

“business voting register” has the same meaning as in Schedule 6;

“corresponding residential referendum” has the same meaning as in Schedule 7.”

(2) After Schedule 5 (Combination of Polls) Rules insert new Schedules 6, 7 and 8 as set out in Schedules 1, 2 and 3 to these Regulations.

### **Residential referendums**

**8.**—(1) In Schedule 3 (neighbourhood planning referendums rules) —

- (a) in rule 46(1) after “by a county court” insert “or the High Court”, and after “an offence in relation to ballot papers” insert “or for the purpose of proceedings brought as mentioned in section 61N(3) of the 1990 Act<sup>(a)</sup>”; and
- (b) omit rule 46(2).

(2) In Schedule 5 (neighbourhood planning referendums (combination of polls) rules) —

- (a) in rule 46(1) after “by a county court” insert “or the High Court”, and after “an offence in relation to ballot papers” insert “or for the purpose of proceedings brought as mentioned in section 61N(3) of the 1990 Act”; and
- (b) omit rule 46(2).

Signed by authority of the Secretary of State for Communities and Local Government

Date Parliamentary Under-Secretary of State  
Department for Communities and Local Government

## SCHEDULE 1

Regulation 7

## “SCHEDULE 6

Regulation 17

## REGISTERING TO VOTE IN A BUSINESS REFERENDUM

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(a) Section 61N was inserted into the Town and Country Planning Act 1990 by Section 116 of and paragraph 2 of Schedule 9 to the Localism Act 2011 (c. 20).

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### General

### **Interpretation**

1. In this Schedule—



“billing authority” has the same meaning as in section 1(2) of the Local Government Finance Act 1992(a);

“business registration officer” where the referendum area falls within the area of one relevant council means the registration officer of the relevant council as appointed under section 8 of the 1983 Act, and where the referendum area comprises any part of the area of more than one relevant council, means the registration officer of the relevant council in whose portion of the referendum area the greater or greatest (as the case may be) number of local government electors is registered;

“business vote holder” means a person who is, or appears to the business registration officer to be likely to be, entitled to be registered to vote in the business referendum;

“business voting register” means the register compiled under paragraph 15 and includes any additions, updates, corrections or alterations made to it in accordance with the provisions of this Schedule;

“citizen of the European Union” has the same meaning as in Article 20 on the Treaty of the Functioning of the European Union(b);

“hereditament” has the same meaning as in section 64 of the Local Government Finance Act 1988(c);

“identifier record” means a record kept under paragraph 16 and includes any corrections or alterations made to it in accordance with the provisions of this Schedule;

“initial registration list” means the information provided by a billing authority to a business registration officer in accordance with paragraph 8 and includes any additions, updates, corrections or alterations made to it in accordance with the provisions of this Schedule;

“invitation to register” has the meaning given in paragraph 10(1);

“named voter” means an individual voting on behalf of a business vote holder as described in paragraph 6, and references to the named voter include the business vote holder where they are the same person;

“qualifying citizen” means a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of the European Union;

“qualifying Commonwealth citizen” has the same meaning as in section 4 of the 1983 Act(d);

“registration response form” has the meaning given in paragraph 10(6);

“relative” means a spouse, civil partner, parent, grandparent, brother, sister, child, or grandchild and reference to a person being related to another is construed accordingly;

“voters list” means the list kept under paragraph 18 and includes any corrections or alterations made to it in accordance with the provisions of this Schedule; and

“voting choices form” and “voting registration form” have the respective meanings given in paragraph 10(6).

## **Time**

**2.—(1)** In computing any period of time under this Schedule, the days mentioned in regulation 4(5) are to be disregarded.

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(a) 1992 c. 14. Section 1(2) was amended in respect of Wales by section 35(5) of the Local Government (Wales) Act (c.19).

(b) OJ No C 83, 30.3.2010, p.47.

(c) 1988 c. 41. Section 64 was amended by sections 66(1) and (3) of the Local Government Act 2003 (c. 26), section 104 of and paragraph 2 of Schedule 10 to the Local Government Finance Act 1992 (c. 14) and section 3 of and paragraph 25 of Schedule 3 and Schedule 4 to the Local Government and Rating Act 1997.

(d) 1983 (c. 2). Section 4 has been amended by section 1(2) of the Representation of the People Act 2000 (c.2) and by section 10(2) of, and paragraphs 2 and 3 of Part 1 of Schedule 2 to, the Electoral Administration Act 2006 (c. 22)

(2) Where the day or last day of the time allowed under this Schedule for the doing of any thing falls on any of the days mentioned in regulation 4(5), that time is to be extended until the next following day which is not one of those days.

### **Forms**

3.—(1) The business registration officer must supply free of charge as many forms for use in connection with the business referendum as appear to that officer reasonable in the circumstances to any person who satisfies that officer of the person's intention to use the forms in connection with a business referendum.

(2) The forms set out in the Appendix to this Schedule or forms substantially to the like effect may be used with such variations as the circumstances may require.

### **Communication of applications, notices, etc.**

4. The requirement in this Schedule that any application, notice or representation, other than an invitation to register or a registration response form, should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

- (a) is transmitted by electronic means,
- (b) is received in legible form, and
- (c) is capable of being used for subsequent reference.

### **Exercise of vote**

5.—(1) A person is entitled to vote in a business referendum if they are registered on the business voting register on the day of the business referendum.

(2) A person is entitled to be registered on the business voting register if, on the day of their application to be so registered, they are a non-domestic ratepayer in the referendum area.

(3) Where, in respect of a hereditament, more than one person is liable for a non-domestic rate as partners or trustees the business vote holder is the partners or trustees jointly.

(4) Each business vote holder has one vote in the business referendum irrespective of the number of hereditaments within the referendum area in respect of which he is liable for a non-domestic rate.

### **The named voter**

6.—(1) The vote of the business vote holder in the business referendum may only be cast by a named voter.

(2) A named voter is an individual—

- (a) whom the business vote holder has named, on their voting registration form, as voting on that business vote holder's behalf, and who may or may not be the same person as the business vote holder;
- (b) who does not fall within the classes of persons specified in sub-paragraph (3) and (4); and
- (c) who appears on the business voting register on the day of the business referendum.

(3) A person is not capable of being named to vote, or voting, as a named voter in a business referendum if that person—

- (a) is subject to any legal incapacity (age apart) to vote in a local government election as an elector;
- (b) is disqualified by virtue of any enactment for registration as a local government elector; or

(c) is not a qualifying citizen.

(4) A person is not capable of voting as a named voter in a business referendum unless on the date of the business referendum that person has attained the age of 18.

(5) A person is not entitled to vote as a named voter at the same business referendum on behalf of more than two business vote holders.

(6) The named voter may vote by post or in person according to what is stated in their voting choices form, but subject to sub-paragraphs 23(8).

## PART 2

### Preparation for registration

#### Initial steps

7.—(1) The business registration officer must publish and make available—

- (a) in such a manner as the business registration officer considers necessary to bring it to the attention of business vote holders in the referendum area,
- (b) no earlier than the date on which the information statement and specified documents are published under regulation 4, and
- (c) no later than 56 days before the date of the business referendum,

such information as the business registration officer considers appropriate as to—

- (i) who can vote in the business referendum;
- (ii) how business vote holders can register on the business voting register; and
- (iii) how they can vote in the business referendum.

(2) The information required to be published by sub-paragraph (1) must, so far as practicable, be published in the same manner, and in the same place or places, as the information statement published under regulation 4 in relation to the business referendum.

(3) In addition to the requirements of sub-paragraph (1) the business registration officer may take such other steps as the officer considers appropriate to identify business vote holders in the referendum area and to inform them—

- (a) that they may be entitled to vote in the business referendum;
- (b) of how they can register on the business voting register; and
- (c) of how they can vote in the business referendum.

#### Non-domestic rates billing information and the initial registration list

8.—(1) As soon as the business registration officer knows that a business referendum is to be held, the business registration officer must request that each billing authority for the whole or any part of the referendum area provides, as far as it is able to ascertain from the records they hold for the purposes of non-domestic rates at that time, the information listed in sub-paragraphs (2)(a) to (c) and, where applicable, the information at sub-paragraph (3).

(2) As soon as practicable after the billing authority have received the request from the business registration officer in accordance with paragraph (1), and in any event no later than the fiftieth day before the referendum, the billing authority shall provide the following information to the business registration officer—

- (a) the name of each non-domestic rate payer who is liable, in respect of a hereditament in the referendum area, to pay rates on the fifty- sixth day before the business referendum according to the non-domestic rating list kept and maintained by that billing authority; and

- (b) for each person described in (a), the address of the hereditament (or, if applicable, hereditaments); and
- (c) the rateable value of each hereditament the address of which has been provided in accordance with (b).

(3) Where it appears to the relevant billing authority that it would be impractical for communications to be sent to a particular hereditament address, the billing authority shall also provide to the business registration officer, in respect of that hereditament, the billing address of the person who is liable to pay rates on that hereditament.

(4) The business registration officer may, at any time during the referendum period, request from the billing authority any update on the information mentioned in sub-paragraphs (2) and (3) which the billing authority is able to ascertain from its non-domestic billing records at that time.

(5) The business registration officer may, at any time during the referendum period, request from the billing authority that it provide that officer with the name of each non-domestic rate payer who has become liable, in respect of a hereditament in the referendum area, after the fifty-sixth day before the referendum to pay rates according to the non-domestic rating list kept and maintained by that billing authority.

(6) As soon as practicable after the billing authority have received a request from the business registration officer under paragraph (5), the billing authority shall provide that information to the business registration officer, as well as the information mentioned in sub-paragraphs (2)(b)-(c) and (3).

(7) Subject to sub-paragraph (8) below, the information provided under sub-paragraphs (2) and (3) by the billing authority in response to a request from the business registration officer under sub-paragraph (1) comprises “the initial registration list”.

(8) Where a referendum area comprises any part of the area of more than one relevant council, the business registration officer shall compile the information received in response to a request made under sub-paragraph (1) from each relevant billing authority under sub-paragraphs (2) and (3) into a single list and this single list shall comprise “the initial registration list”.

(9) The business registration officer shall, as far as practicable and seeking advice from the billing authority or authorities as appropriate, ensure that the initial registration list is free from duplicate entries.

(10) For the purposes of this paragraph, a “duplicate entry” is where the name of a non-domestic rate payer appears more than once on the initial registration list, for whatever reason.

(11) The business registration officer may use the information provided under sub-paragraphs (2) and (3), and (5) and (6) (if any), in any form in connection with requirements imposed by this Schedule in relation to the business voting register and not for any other purpose.

### **Publication of registration notice**

**9.** On the twenty-fifth day before the business referendum, the business registration officer must publish in a manner that the officer considers appropriate in order to bring it to the attention of business voter holders in the referendum area a notice which—

- (a) specifies that business vote holders who were included on the initial registration list have been sent an invitation to register; and
- (b) invites those who believe they have become liable to pay non-domestic rates since the initial registration list was sent by the billing authority to the business registration officer, to contact the business registration officer; and
- (c) informs those who were included on the initial registration list and so have been sent an invitation to register but have since ceased to become liable to pay non-

domestic rates on any hereditament in the referendum area, that they must contact the business registration officer.

### **Invitation to register**

**10.**—(1) The business registration officer must send, to each business vote holder in the referendum area of whom the business registration officer is aware, a notice (“invitation to register”) in the form set out in Form 1 in the Appendix to this Schedule.

(2) The business registration officer must send the invitation to register—

- (a) no earlier than the date when information is first published under paragraph 7(1);
- (b) no later than 45 days before the date of the business referendum or, in the case of a business vote holder the officer becomes aware of at any time between 45 and 11 days before the date of the business referendum, as soon as practicable.

(3) The address to which the invitation to register must be sent is the hereditament address, unless the billing authority have indicated, under paragraph 8(3), that communications should be sent to the billing address of the non-domestic rate payer, in which case the business registration officer must instead send the invitation to the billing address so provided.

(4) Where a business vote holder is liable for a non-domestic rate in respect of more than one hereditament in the referendum area, the business registration officer must send the invitation to the hereditament address of the business vote holder which corresponds to the hereditament with the higher or highest (as the case may be) rateable value.

(5) Where the business registration officer has reason to believe that, in respect of a business vote holder who is liable for a non-domestic rate in respect of more than one hereditament in the referendum area, it would be appropriate to send the invitation to the hereditament address of the business vote holder which does not correspond to the hereditament with the higher or highest (as the case may be) rateable value, that officer may instead send the invitation to that address.

(6) Enclosed with the invitation to register must be a form (“voting registration form”) in the form set out in form A in the Appendix to this Schedule and a form (“voting choices form”) in the form set out in form B in the Appendix to this Schedule and both forms are “registration response forms”.

(7) The business registration officer must ensure that the return of both registration response forms, from an address in the United Kingdom, is free of charge to a business vote holder.

## **PART 3**

### **Requirements of registration**

#### **Registration response**

**11.**—(1) In order to register a business vote holder in the business voting register, the business registration officer must receive both registration response forms, completed, no later than 5pm on the eleventh day before the date of the business referendum.

(2) The business registration officer must keep a note of registration response forms received.

(3) A voting registration form will only be regarded as completed for the purposes of subparagraph (1) if it is signed by the business vote holder (subject to paragraph 12(1)), dated, and contains—

- (a) the full name of the business vote holder;
- (b) the full name of the person being named as the named voter; and

- (c) a declaration by the business vote holder that, as far as they know, the particulars given in the form are true.
- (4) A voting choices form will only be regarded as completed for the purposes of sub-paragraph (1) if it is signed by the named voter (subject to paragraph 12(1)), dated, and contains—
- (a) the address to which the postal ballot paper, or polling card, should be sent;
  - (b) the date of birth of the named voter;
  - (c) the nationality of the named voter;
  - (d) a statement of whether the named voter wishes to vote by post or in person; and
  - (e) a declaration by the named voter that, as far as they know, the particulars given in the form are true.

### **Signatures**

**12.—**(1) The business registration officer may dispense with the requirement for a named voter to provide a signature if that officer is satisfied that the named voter is unable—

- (a) to provide a signature because of any disability the person has,
- (b) to provide a signature because the person is unable to read or write, or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(2) The signature and date of birth on the voting choices form must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning into the record by configuring the information as follows—

- (a) each signature must appear against a background of white unlined paper of at least five centimetres long and two centimetres high; and
- (b) each date of birth must be set out numerically configured in the sequence of date, month and year, namely [d][d][m][m][y][y][y][y].

### **Business registration officer's right to inspect records**

**13.—**(1) A business registration officer is authorised to inspect, for the purposes of that officer's duties in connection with the business referendum, records kept (in whatever form) by—

- (a) an authority listed in sub-paragraph (2), or
- (b) any person authorised to exercise any function of, any such authority.

(2) Those authorities are—

- (a) the council by which the business registration officer was appointed,
- (b) if the referendum area comprises any part of the area of more than one relevant council, any other relevant council; and
- (c) any registrar of births and deaths.

(3) A business registration officer is authorised to make copies of information contained in such records.

### **Evidence of age or nationality**

**14.—**(1) Where a business registration officer has doubts about a named voter's age or nationality, the business registration officer may require that person to produce such evidence as is specified in sub-paragraph (2) for the purposes of compiling the business voting register.

(2) The evidence which the business registration officer may require is as follows—

- (a) a birth certificate or a statutory declaration as to the person's date of birth;
- (b) a certificate of naturalisation;
- (c) a statutory declaration that the person is a qualifying citizen.

(3) If any fee is payable in connection with the making of a declaration for the purposes of this paragraph, the business registration officer must pay that fee and it shall be treated as part of that officer's registration expenses within the meaning of section 54(1) of the 1983 Act as applied to these Regulations by virtue of Schedule 8.

## PART 4

### Compiling of registers and lists

#### **Business voting register**

**15.**—(1) Subject to sub-paragraphs (2) to (4) and the procedures in Parts 5 to 8, the business registration officer must compile a register showing, in respect of each business vote holder from whom both registration response forms (completed in accordance with paragraphs 11(3) and 11(4) above) are received—

- (a) the full name of the business vote holder;
- (b) the full name of the named voter;
- (c) the address of the business vote holder's hereditament or, if applicable, hereditaments, in the referendum area;
- (d) where paragraph 8(3) applies, the billing address of the business vote holder; and
- (e) a number (with or without letters) allocated by the business registration officer to that business vote holder for the purposes of the business referendum.

(2) Where, in respect of any application to be registered—

- (a) the business registration officer is not satisfied that the business vote holder is entitled to be registered, or
- (b) the business registration officer is not satisfied that a named voter meets the requirements in paragraph 6(3) and (4),

the business registration officer must send to the business vote holder (and additionally, in a case mentioned in sub-paragraph (b), the named voter) a notice which—

- (i) states the opinion mentioned in sub-paragraph (a) or (b), the grounds for that opinion,
- (ii) requires such further information (if any) as is specified in the notice or requires the named voter to make a declaration under paragraph 12(1) or both, or
- (iii) states the opinion mentioned in sub-paragraph (a) or (b), that the business registration officer intends to conduct a hearing, and the time and place at which that hearing is to take place.

(3) Where a business vote holder receives a notice of the kind mentioned in sub-paragraph (2)(i), and requests a hearing for the purposes of contesting the opinions expressed by the business registration officer in that notice, the business registration officer must hold such a hearing.

(4) Where a business vote holder who is sent a notice of the kind mentioned in sub-paragraph (2)(i) does not, within five days beginning with the date of that notice, notify the business registration officer that the business vote holder requires a hearing to be held, the business registration officer may determine without a hearing that the business vote holder may not be included on the business voting register.

(5) Where a notice of the kind mentioned in sub-paragraph (2)(ii) is sent and no response is received to the business registration officer's satisfaction, or at all, within seven days beginning with the date of that notice, the business registration officer may send to the business vote holder a notice of a kind mentioned in sub-paragraph (3)(i).

(6) In making a determination under sub-paragraph (4), the business registration officer must take into account any written representations made to the business registration officer by the business vote holder or the named voter and may take into account the written representations of any other person who appears to the business registration officer to be interested.

### **Business voter identifier records**

**16.**—(1) The business registration officer must keep a record showing, in respect of each business vote holder who is registered on the business voting register—

- (a) the full name and date of birth of the named voter; and
- (b) except in cases where the business registration officer under paragraph 12(1) has dispensed with the requirement to provide a signature, the signature of the named voter.

(2) The identifier record must be kept until the expiry of twelve months from the date of the business referendum or the date on which the person's details are removed from the business voting register in accordance with a provision of this Schedule, if that occurs before the date of the business referendum.

(3) The counting officer may disclose information held in an identifier record to any person attending proceedings on receipt of postal ballot papers who is entitled to do so under the Neighbourhood Planning Business Referendums Rules, but only to the extent required to permit them to observe the proceedings.

### **Provision of fresh signatures**

**17.**—(1) A person whose signature remains on the identifier record may, at any time before the date of the business referendum, provide the business registration officer with a fresh signature.

(2) Anything required or authorised to be done for the purpose of any enactment in relation to a signature required to be provided in pursuance of this Schedule must be done in relation to a signature provided as mentioned in sub-paragraph (1) instead of in relation to a signature provided on any earlier occasion.

### **Voters list**

**18.** The business registration officer must keep a list showing, in respect of each business vote holder who is registered on the business voting register—

- (a) the address to which the postal ballot paper or polling card, should be sent;
- (b) the full name of the named voter; and
- (c) whether the named voter is entitled to vote by post or in person.

### **Marked register for polling stations**

**19.** To indicate that a named voter is entitled to vote by post and not in person, a letter "A" must be placed against that person's entry in the business voting register provided for a polling station.



## **Inspection of applications**

**20.** Each voting registration form must be made available for inspection by any member of the public at the business registration officer's office during usual office hours until the business vote holder is registered on the business voting register.

## **PART 5**

### **Alterations after registration**

#### **Cancellation or change of named voter**

**21.**—(1) The business vote holder may give notice in writing to the business registration officer that they no longer wish the named voter to vote on their behalf.

(2) Where notice is given under sub-paragraph (1), subject to sub-paragraph (5), the business registration officer must—

- (a) acknowledge, in writing, the business vote holder's notice; and
- (b) notify the named voter that the business vote holder has given notice, and explain the effect of that notice; and
- (c) remove the details of the named voter from the business voting register, the identifier record and the voters list.

(3) Where a business vote holder who gives notice under sub-paragraph (1) wishes their vote in the business referendum to be cast by the business vote holder themselves or by another person, the business vote holder must send the business registration officer—

- (a) a new voting registration form completed in accordance with paragraph 11(3), and
- (b) a new voting choices form completed in accordance with paragraph 11(4).

(4) Any notice under sub-paragraph (1) and any new registration response form sent under sub-paragraph (3) must be disregarded by the business registration officer if—

- (a) it is received after 5pm on the eleventh day before the date of the business referendum; or
- (b) it relates to a request by the business vote holder to change the identity of the named voter and the original named voter's postal vote has been returned.

(5) Subject to the procedures in Part 7, and to sub-paragraph (4), a business registration officer who receives both new registration response forms under sub-paragraph (3) must accordingly alter the business voting register, the identifier record, and the voters list.

#### **Alteration of other registration details**

**22.**—(1) Where a business vote holder or named voter needs to alter any information stated on a registration response form after it has been returned, including the choice of the named voter to vote in person or by post, but not to change the named voter under paragraph 21, they may request that such a change be made by sending the business registration officer—

- (a) a new voting registration form completed in accordance with paragraph 11(3),
- (b) a new voting choices form, completed in accordance with paragraph 11(4), and
- (c) a written statement describing the change to be made.

(2) A business registration officer who receives a request under sub-paragraph (1) may dispense with any of the requirements in paragraph 11(3) or 11(4) if they are satisfied that doing so causes no prejudice to any business vote holder or named voter.

(3) A request under sub-paragraph (1) must be disregarded by the business registration officer if it is received after 5pm on the eleventh day before the date of the business referendum.

(4) Subject to the procedures in Part 7, and to sub-paragraph (3), a business registration officer who receives a request under sub-paragraph (1) must accordingly alter the business voting register, the identifier record, and the voters list.

### **Emergency change of named voter**

**23.**—(1) Where, after 5pm on the eleventh day before the date of the business referendum, a named voter—

- (a) becomes disabled and as a result cannot reasonably be expected to vote in the business referendum in the manner chosen by the voter, or (in the case of a person who has chosen to vote in person) cannot reasonably be expected to vote unaided at the polling station; or
- (b) dies,

the business vote holder may apply for a new named voter for the business referendum.

(2) An application under sub-paragraph (1) may be made by sending the business registration officer—

- (a) a new voting registration form completed in accordance with paragraph 11(3),
- (b) a new voting choices form, completed in accordance with paragraph 11(4), and
- (c) the evidence required by sub-paragraph (3).

(3) The evidence required—

- (a) in respect of an application made under sub-paragraph (1)(a), is an attestation made and signed in accordance with regulation 53(2) to (6), and which attestation includes the statement set out at regulation 55(3) of, the Representation of the People (England and Wales) Regulations 2001(a); or
- (b) in respect of an application made under sub-paragraph (1)(b), is notification of the death of the named voter by a relative or executor of the named voter or by the registrar of births and deaths.

(4) For the purposes of the evidence mentioned in sub-paragraph (3)(a), any reference in those provisions to “the applicant” shall have effect as if it were a reference to the named voter.

(5) Where the application under paragraph (1) relates to a named voter who has chosen to vote by post, sub-paragraph (3)(a) is to have effect as if—

- (a) the reference to regulation 53(4)(d) of the Representation of the People (England and Wales) Regulations 2001 were omitted, and
- (b) the person making the attestation were required instead to include a statement that, to the best knowledge and belief of that person, the named voter has the disability specified in the application and that that person cannot reasonably be expected to vote by post.

(6) An application under sub-paragraph (1) must be disregarded by the business registration officer if it is received after 5 pm on the date of the business referendum.

(7) Subject to sub-paragraph (6), a business registration officer who receives a request under sub-paragraph (1) which includes all the documents specified in sub-paragraph (2) must accordingly alter the business voting register, the identifier record, and the voters list.

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(a) S.I. 2001/341; amended by S.I. 2001/1700, 2005/2114, 2006/2910, 2009/1182 and 2010/231.

(8) A named voter who is named by a business vote holder in an application under this paragraph is only entitled to vote in person on behalf of that business vote holder and not by post, and the business registration officer must accordingly alter the voters list.

### **Correction of clerical errors**

24. Where the business registration officer determines at any time up to and including 9 pm on the date of the business referendum that there is a clerical error in the business voting register or the voters list, the business registration officer must correct the error.

## **PART 6**

### **Reviewing the register**

#### **Procedure for removal from register**

25. —(1) Where the business registration officer is notified by a business vote holder that the business vote holder has ceased to be liable to pay non-domestic rates on a hereditament in the referendum area, the business registration officer must, if that notification is received no later than 5pm on the eleventh day before the date of the business referendum, remove that business vote holder from the business voting register.

(2) Where, in respect of any business vote holder registered on the business voting register—

- (a) the business registration officer is not satisfied that the business vote holder is a non-domestic rate payer in the referendum area, or
- (b) the business registration officer is not satisfied that a named voter meets the requirements in paragraph 6(3) and (4),

the business registration officer must send to the business vote holder and, in a case mentioned in sub-paragraph (b) the named voter, a notice which—

- (i) states the opinion mentioned in sub-paragraph (a) or (b) and the grounds for it,
- (ii) requires the business vote holder or the named voter to provide such further information as might be specified in the notice or requires the named voter to make a declaration under paragraph 14 or both, or
- (iii) states the opinion mentioned in sub-paragraph (a) or (b), that the business registration officer intends to conduct a hearing, and the time and place at which that hearing is to take place.

(3) Where a business vote holder receives a notice of the kind mentioned in sub-paragraph (2)(i), the business vote holder may request a hearing for the purposes of contesting the opinions expressed by the business registration officer in that notice and, where the business vote holder makes such a request, the business registration officer must hold such a hearing.

(4) Where a business vote holder who is sent a notice of the kind mentioned in sub-paragraph (2)(i) does not, within 3 days beginning with the date of that notice, notify the business registration officer that the business vote holder requires a hearing to be held, the business registration officer may determine without a hearing that the business vote holder, or the details of the named voter, should be removed from the business voting register and must, subject to paragraph 26, accordingly alter the business voting register, the identifier record and the voters list.

(5) Where a notice of the kind mentioned in sub-paragraph (2)(ii) is sent and no response is received to the business registration officer's satisfaction, or at all, within 5 days beginning with the date of that notice, the business registration officer may send to the business vote holder a notice of a kind mentioned in sub-paragraph (2)(i).

(6) In making a determination under sub-paragraph (4), the business registration officer must take into account any written representations made to the business registration officer by the business vote holder or the named voter and may take into account the written representations of any other person who appears to the business registration officer to be interested.

## PART 7

### Application for Hearings and Appeals

#### Hearings

**26.**—(1) Where a hearing is required to be held under this Schedule, the business registration officer must send a notice to the business vote holder stating the time and place at which it is proposed that the hearing is to take place, and the time fixed for the hearing must not be earlier than the third day or later than the seventh day after the date of the notice.

(2) The persons entitled to appear and be heard are the business vote holder to whom notice was sent under sub-paragraph (1), the named voter and any other person who appears to the business registration officer to be interested.

(3) The right to appear and be heard includes the right to make written representations.

(4) Any person entitled to appear and be heard may do so either in person or by another person on their behalf.

(5) The business registration officer may, at the request of any person entitled to appear and be heard, or if the business registration officer thinks fit, require that the evidence tendered by any person must be given on oath and may administer the oath for this purpose.

(6) The business registration officer may determine after a hearing under this paragraph that the business vote holder, or the named voter, should not be added to, or should be removed from, the business voting register, and in the case of removal must, subject to paragraph 27, accordingly alter the business voting register, the identifier record and the voters list.

(7) In making a determination under sub-paragraph (6), the business registration officer must take into account any written representations made to the business registration officer by the business vote holder or the named voter and may take into account the written representations of any other person who appears to the business registration officer to be interested.

#### Time when alterations take effect

**27.**—(1) Any alteration made to the business voting register, identifier record or voters list as a result of a determination made under paragraphs 25 or 26 is to have effect from the beginning of the day on which the determination is made, except that where such an alteration would take effect after the fifth day before the date of the business referendum, the alteration is to have no effect for the purposes of the business referendum.

(2) Any alteration made to the business voting register, identifier record or voters list as a result of a decision on an appeal under paragraph 28 is to have effect from the beginning of the day on which the decision is notified to the business registration officer, except that where—

(a) the decision is notified after 9 pm on the date of the business referendum, or

(b) the alteration would have the effect of removing any business vote holder or named voter from the business voting register, and would take that effect after the fifth day before the date of the business referendum,

the alteration is to have no effect.

(3) Any other alteration or correction made in accordance with the provisions of this Schedule is to have effect from the beginning of the day on which it is required to be made.

### **Registration appeals**

**28.**—(1) An appeal lies to the county court from a decision of a business registration officer under paragraphs 15, 24, 25(2) or 26 of this Schedule, but an appeal does not lie where the person desiring to appeal has not availed themselves of a right to be heard by, or to make representations to, the business registration officer on the matter which is the subject of the appeal.

(2) A business vote holder or a named voter wishing to appeal must—

- (a) give notice of appeal to the business registration officer within 10 days of the date when the decision is given, and
- (b) specify the grounds of appeal.

(3) The business registration officer shall forward any notice given under sub-paragraph (2) to the appropriate county court in accordance with rules of court together, in each case, with—

- (a) a statement of the material facts which in the business registration officer's opinion have been established in the case, and
- (b) the decision upon the whole case and on any point which may be specified as a ground of appeal.

(4) An appeal to the county court by virtue of this paragraph which is pending when notice of a business referendum is given shall not prejudice the operation as respects the referendum of the decision appealed against, and anything done in pursuance of the decision shall be as good as if no such appeal had been brought and shall not be affected by the decision of the appeal.

(5) No appeal lies from the decision of the Court of Appeal on appeal from a decision of the county court under this paragraph.

(6) Notice must be sent to the business registration officer in the manner provided by rules of court of the decision of the county court or of the Court of Appeal on any appeal under this paragraph and, subject to sub-paragraph (7), the business registration officer must make such alterations in the register as may be required to give effect to the decision.

(7) Alterations to the business voting register requiring to be made under sub-paragraph (6) may be made by the business registration officer any time up to and including 9pm on the date of the business referendum.

(8) The business registration officer must on any appeal made under this paragraph be deemed to be a party to the proceedings, and the registration expenses payable to a business registration officer must include any expenses incurred by the business registration officer by virtue of this paragraph.

(9) Where it appears to the business registration officer that any notices of appeal received are based on similar grounds, the business registration officer must inform the appropriate county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

## **PART 8**

### **Publication and supply of register and lists**

#### **Interpretation**

**29.**—(1) In this Part—

“enactment” has the same meaning as in section 17(2) of the Representation of the People Act 2000(a);

“processor” means any person who provides a service which consists of putting information into data form or processing information in data form and any reference to a processor includes a reference to the employees of that processor;

“relevant conditions” has the same meaning as in section 33(1) of the Data Protection Act 1998(b), and

“research purposes” shall be construed in accordance with section 33(1) of the Data Protection Act 1998.

(2) In this Part, any reference to an employee of any person who has access to a copy of the business voting register shall be deemed to include any person working or providing services for the purposes of that person or employed by or on behalf of, or working for, any person who is so working or who is supplying such a service.

(3) Subject to any direction of the Secretary of State under section 52(1) of the 1983 Act, any duty on a business registration officer to supply data under this Part imposes only a duty to supply data in the form in which that officer holds it.

(4) The business registration officer shall not supply data which includes information not included in the published version of the business voting register otherwise than under a provision in an enactment.

(5) Any person who has obtained, or is entitled to obtain, a copy of the business voting register under paragraphs 31, 33, 36 or 37 may—

- (a) supply a copy of the business voting register to a processor for the purpose of processing the information contained in the register;
- (b) procure that a processor processes and provides to them any copy of the register which the processor has obtained under this Schedule

for use in respect of the purposes for which that person is entitled to obtain such copy or information (as the case may be).

(6) The processor may not disclose the business voting register or the information contained in it except to the person who supplied it to the processor or an employee of that person or a person who is entitled to obtain a copy of the business voting register under this Schedule or any employee of such a person.

(7) The restrictions contained in paragraphs 31(3), 33(6), 34(6), 35(2), 36(2) or 39(9) apply to a person to whom the business voting register, or any information contained in it has been supplied or disclosed under those paragraphs as they apply to the person to whom those paragraphs apply.

### **Publication of business voting register**

**30.**—(1) The business registration officer must publish the business voting register—

- (a) on the nineteenth day before the date of the business referendum; and
- (b) during the period—
  - (i) beginning at 5pm on the eleventh day, and
  - (ii) ending on the fifth day

before the date of the business referendum.

(2) For the purposes of sub-paragraph (1), the business voting register must be published by making a copy of it available for inspection under supervision—

- (a) at the business registration officer’s office during usual office hours, and

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(a) 2000, c. 2.  
(b) 1998 c. 29.

- (b) at such other places, if any, in the referendum area as allow members of the public in that area reasonable facilities for such purpose.

(3) Where a copy of the register is made available under sub-paragraph (2) by providing the register on a computer screen or otherwise in data form, the business registration officer must ensure that the manner in, and the equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person or business; or
- (b) copy or transmit any part of that copy by electronic, or other, means.

**Restrictions on supply of business voting register and disclosure of information from it by the business registration officer or that officer’s staff**

**31.**—(1) This paragraph applies to—

- (a) the business registration officer;
- (b) any deputy business registration officer;
- (c) any person appointed to assist any such officer or who in the course of their employment are assigned to assist any such officer in that officer’s registration duties.

(2) Where the business registration officer is also the counting officer at the business referendum, this paragraph also applies to—

- (a) the business registration officer acting in that other capacity;
- (b) any deputy business registration officer or deputy counting officer, and
- (c) any person appointed to assist any person mentioned in sub-paragraph (a) or (b) or who in the course of their employment is assigned to assist any such officer in their duties in respect of the business referendum.

(3) No person to whom this paragraph applies may—

- (a) supply to any person a copy of the business voting register,
- (b) disclose information contained in it, or
- (c) make use of any such information,

otherwise than in accordance with an enactment (including these Regulations).

(4) Nothing in sub-paragraph (3) above applies to the supply or disclosure by a person to whom this paragraph applies to another such person in connection with that person’s registration duties or for the purposes of the business referendum.

**Restriction on the use of the business voting register, or information contained in it, supplied in accordance with enactments or obtained otherwise**

**32.**—(1) This paragraph applies to—

- (a) any person to whom a copy of the business voting register has been supplied in pursuance of a relevant provision;
- (b) any person to whom information contained in the business voting register has been disclosed in pursuance of a relevant provision;
- (c) any person to whom a person referred to in sub-paragraph (a) or (b) above has supplied a copy of the business voting register or information contained in it for the purposes (express or implied) of a relevant provision; and
- (d) any person who has obtained access to a copy of the business voting register or information contained in it by any other means.

(2) No person to whom this paragraph applies may—

- (a) supply a copy of the business voting register;

- (b) disclose any information contained in it, or
- (c) make use of any such information.

other than for a permitted purpose construed in accordance with sub-paragraph (3).

(3) The “permitted purpose”—

- (a) where the copy was supplied or the information obtained in pursuance of a relevant provision, means the particular purpose for which the copy was supplied or the information disclosed to the person in question pursuant to the relevant provision;
- (b) where the copy was not supplied or the information was not disclosed in pursuance of a relevant provision—
  - (i) in the case of a person to whom the copy of the business voting register was made available for inspection under supervision in accordance with paragraphs 33(2)(a) and (3), 34(3)(a), 39(5)(a) and (b) does not include direct marketing within the meaning of section 11(3) of the Data Protection Act 1998; and
  - (ii) in any other case, means any purpose for which the person to whom this paragraph applies could have obtained a copy of the business voting register or the information contained in it pursuant to any enactment, including these Regulations.

(4) In this paragraph “relevant provision” means any enactment (except these Regulations) under which a copy of the business voting register is to be supplied or information from that register disclosed for a particular purpose.

**Supply of copy of business voting register to the British Library and restrictions on use**

33.—(1) The business registration officer shall supply, free of charge and on publication, one electronic copy of the business voting register to the British Library.

(2) Subject to sub-paragraph (6), no person employed by the British Library may—

- (a) supply a copy of the business voting register other than to another such person or to a person using the Library to inspect it under supervision;
- (b) disclose any information contained in it other than in accordance with sub-paragraph (4); or
- (c) make use of any such information.

(3) Subject to sub-paragraph (6), no information which is contained in the business voting register may be disclosed otherwise than by allowing a person using the British Library to inspect it under supervision.

(4) Where a copy of the business voting register is made available for inspection by providing the register on a computer screen or otherwise in data form, the British Library shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person;
- (b) copy or transmit any part of that copy by electronic means.

(5) A person who inspects the business voting register held by the British Library may not—

- (a) make copies of any part of it, or
- (b) record any particulars included in it,

otherwise than by means of hand-written notes.

(6) A person employed by the British Library is not prohibited from supplying a copy of, or disclosing information contained in a version of the business voting register where—



- (a) more than ten years have expired since that version of the business voting register was first published; and
- (b) the supply or disclosure is for research purposes in compliance with the relevant conditions.

(7) No person who obtains a copy of the business voting register or to whom information contained in it is disclosed under the circumstances described in sub-paragraph (6) may—

- (a) supply a copy of it;
- (b) make use of any such information,

other than for research purposes in compliance with the relevant conditions.

**Supply of copy of business voting register to the Office for National Statistics and restrictions on use**

**34.**—(1) The business registration officer shall supply, free of charge and on publication, one electronic copy of the business voting register to the Office for National Statistics<sup>(a)</sup> (“the ONS”).

(2) Subject to sub-paragraph (6), no person employed by the ONS may—

- (a) supply a copy of the business voting register other than to another such person;
- (b) disclose any information contained in it other than in accordance with sub-paragraph (3); or
- (c) make use of any such information other than for statistical purposes.

(3) Subject to sub-paragraph (6), no information which is contained in the business voting register may be disclosed otherwise than—

- (a) by allowing a person using the premises of the ONS to inspect it under supervision; and
- (b) by publishing information about voters which does not include the name or address of any business vote holder.

(4) Where a copy of the business voting register is made available by providing the register on a computer screen or otherwise in data form, the ONS shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic means.

(5) A person who inspects the business voting register, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars included in it,

otherwise than by means of hand-written notes.

(6) A person employed by the ONS is not prohibited from supplying a copy of, or disclosing information contained in, the business voting register where—

- (a) more than ten years have expired since that version of the business voting register was first published;
- (b) the supply or disclosure is for research purposes in compliance with the relevant conditions.

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<sup>(a)</sup> The Office for National Statistics is a government department to which various functions relating to the gathering and publication of statistics were transferred by the Transfer of Functions (Registration and Statistics) Order 1996 (S.I. 1996/273).

(7) No person who obtains a copy of the business voting register or to whom information contained in it is disclosed under the circumstance described in sub-paragraph (6) may—

- (a) supply a copy of it,
- (b) disclose any such information, or
- (c) make use of any such information,

otherwise than for research purposes in compliance with the relevant conditions.

#### **Supply of copy of business voting register to the Electoral Commission and restrictions on use**

**35.**—(1) The business registration officer shall supply, free of charge and on publication, one electronic copy of the business voting register to the Electoral Commission (“the Commission”).

(2) Neither the Electoral Commissioners nor any person employed by the Commission may—

- (a) supply a copy of the business voting register other than to an Electoral Commissioner or another such person;
- (b) disclose any information contained in it otherwise than in accordance with sub-paragraph (4); or
- (c) make use of any such information otherwise than in connection with their functions under, or by virtue of, the Political Parties, Elections and Referendums Act 2000(a).

(3) In sub-paragraph (2) “Electoral Commissioner” includes a Deputy Electoral Commissioner and an Assistant Electoral Commissioner.

(4) The business voting register or any information contained in it may not be disclosed otherwise than by publishing information about business vote holders which does not include the name or address of any business vote holder.

#### **Supply of copy of business voting register to certain councils and restrictions on use**

**36.**—(1) Sub-paragraphs (2) to (4) apply to the council which appointed the registration officer acting as the business registration officer in respect of the business referendum.

(2) Subject to sub-paragraph (3), no councillor or employee of the council may—

- (a) supply a copy of the business voting register to any person other than to another councillor or employee of the same council;
- (b) disclose any information contained in it;
- (c) make use of any such information.

(3) A councillor or employee of the authority may supply a copy of the business voting register, or disclose or make use of information contained in it—

- (a) where necessary for the discharge of a statutory function of the council or any other local authority relating to security, law enforcement and crime prevention, or
- (b) for statistical purposes, in which case no information shall be disclosed which includes the name or address of any business vote holder.

(4) In this paragraph, “local authority” has the meaning given by section 270 of the Local Government Act 1972(b).

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(a) 2000 c. 41.

(b) 1972 c. 70. The definition of “local authority” in section 270 has been amended by section 102, paragraph 8 of Schedule 16 and Schedule 17 to the Local Government Act 1985 (c. 43) and section 1(5) of the Local Government (Wales) Act 1994 (c.19). There have been other amendments to section 270 which are not relevant in this context.

(5) The business registration officer shall supply, free of charge and on request, one electronic copy of the business voting register to any other local authority which falls partly or wholly within the referendum area where the referendum area comprises any part of the area of more than one relevant council.

(6) Subject to sub-paragraph (7), no councillor or employee of the council may—

- (a) supply a copy of the business voting register to any person other than to another councillor or employee of the same authority;
- (b) disclose any information contained in it;
- (c) make use of any such information.

(7) A councillor or employee of the authority may supply a copy of the business voting register, or disclose or make use of information contained in it—

- (a) where necessary for the discharge of a statutory function of the council or any other local authority relating to security, law enforcement and crime prevention, or
- (b) for statistical purposes, in which case no information shall be disclosed which includes the name and address of any business vote holder.

#### **Supply of copy of business voting register to the security services**

37. The business registration officer shall supply, free of charge and on request, one electronic copy of the business voting register to—

- (a) the Security Service;
- (b) the Government Communications Headquarters;
- (c) the Secret Intelligence Service.

#### **Supply of copy of business voting register to police forces and restrictions on use**

38.—(1) The business registration officer shall supply, free of charge and on request, one electronic copy of the business voting register to—

- (a) any police force in Great Britain;
- (b) the Police Services or Northern Ireland and the Police Service of Northern Ireland (Reserve);
- (c) the Serious Organised Crime Agency;
- (d) the National Crime Squad;
- (e) the Police Information Technology Organisation;
- (f) any body of constables established under an Act of Parliament.

(2) No person serving whether as a constable, officer or employee in any of the forces and organisations listed at sub-paragraph (1) above may—

- (a) supply a copy of the business voting register to any person;
- (b) disclose any information contained in it; or
- (c) make use of any such information,

otherwise than for the purposes of the prevention and detection of crime and the enforcement of the criminal law (whether in England or elsewhere).

#### **Supply of copy of business voting register to public libraries and local authority archives services, and restrictions on use**

39.—(1) A public library or a local authority archives service may request the business registration officer to supply free of charge the relevant part of the business voting register.

(2) Such a request shall—

- (a) be made in writing, and

(b) state whether a printed copy is requested instead of the version in data form.

(3) Unless a request has been made in advance of supply under sub-paragraph (2)(b), the copy of a document supplied under this sub-paragraph shall be in data form.

(4) The business registration officer shall supply the relevant part of the business voting register in accordance with a request that has been duly made.

(5) Subject to sub-paragraph (8), no person employed by the public library or the local authority archives service may—

- (a) supply a copy of the relevant part of the business voting register other than to another such person or to a person using the library or the archives service to inspect it under supervision;
- (b) disclose any information contained in it otherwise than by allowing a person using the library or the archives service to inspect it under supervision; or
- (c) make use of any such information.

(6) Where a copy of the relevant part of the business voting register is made available for inspection in accordance with sub-paragraph (5)(a) or (b) by providing the register on a computer screen or otherwise in data form, the library or the archives service shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic means.

(7) A person who inspects a copy of the relevant part of the business voting register, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

otherwise than by means of hand-written notes.

(8) The public library or local authority archives service is not prohibited from supplying a copy of, or disclosing information contained in the relevant part of the business voting register where—

- (a) more than ten years have expired since that business voting register was first published in accordance with paragraph 30; and
- (b) the supply or disclosure is for research purposes in compliance with the relevant conditions.

(9) No person who obtains a copy of the relevant part of the business voting register or to whom information contained in it is disclosed under the circumstances described in sub-paragraph (8) may—

- (a) supply a copy of it;
- (b) disclose such information, or
- (c) make use of any such information,

otherwise than for research purposes in compliance with the relevant conditions.

(10) In this paragraph—

“library authority” has the same meaning as in section 206 of the Local Government Act 1972(a);

“local authority archives service” means an archives service established by—

- (a) a county council;
- (b) a district council;

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(a) 1972. c 70.

- (c) a London borough council;
- (d) the Common Council of the City of London, or
- (e) the Council of the Isles of Scilly,

in exercise of its functions under the Local Government (Records) Act 1962<sup>(a)</sup>;

“public library” means a library maintained by a library authority.

(11) For the purposes of this paragraph the relevant part of the business voting register is so much of it as a public library or local authority archives service has been given responsibility for keeping by a library authority or local authority respectively.

#### **Supply of copy of business voting register to counting officer**

**40.**—(1) The business registration officer must supply, free of charge and upon its publication in accordance with paragraph 30(1), copies of the business voting register to any counting officer for any relevant council in relation to the business referendum.

(2) In sub-paragraph (1), the duty to supply copies of the business voting register is a duty to supply one copy in data form, and as many printed copies as the counting officer may reasonably require for the purposes of the business referendum.

(3) The business registration officer must as soon as practicable notify any counting officer for any relevant council in relation to the business referendum of any alteration or correction to the business voting register made in accordance with the provisions of this Schedule after a copy of the business voting register has been supplied under sub-paragraph (1).

#### **Supply of copy of voters list to counting officer**

**41.** Paragraph 40 applies to the voters list as it applies to the business voting register.

#### **Communication of alterations made on polling day**

**42.**—(1) Where an alteration or correction to the business voting register or the voting list takes effect on the day of the poll, the business registration officer must take reasonable steps to ensure that the notice comes to the attention of the relevant presiding officer.

(2) Such steps may include communicating the alteration or correction to the presiding officer by telephone.

(3) Where the correction or alteration is notified to the presiding officer by telephone, the presiding officer must make a written record of it.

#### **Use of identifier information**

**43.**—(1) The business registration officer must either—

- (a) provide any counting officer for any relevant council in relation to a business referendum with a copy of the information contained in an identifier record, and notify them as soon as practicable of any correction or alteration made to it in accordance with the provisions of this Schedule, or
- (b) give the counting officer access to such information.

(2) Information contained in an identifier record may be disclosed by the business registration officer to—

- (a) if the business registration officer thinks that to do so will assist another business registration officer in the performance of that other registration officer’s duties, that other business registration officer; or

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(a) 1962 c. 56.

- (b) any person exercising functions in relation to the preparation or conduct of proceedings under the Representation of the People Acts.

## PART 9

### Access to documents open to public inspection

#### **Inspection of documents open to public inspection**

**44.**—(1) Any person is entitled to request that the business registration officer make available for inspection a copy of any of the following documents (referred to in this paragraph and in paragraph 45 as “the documents open to public inspection”)—

- (a) the marked business voting register;
- (b) such other documents relating to a business referendum as the business registration officer is required by or under any enactment to retain for any period except—
  - (i) ballot papers
  - (ii) completed corresponding number lists (within the meaning given in the Neighbourhood Planning Business Referendum Rules);
  - (iii) certificates as to employment on the day of the business referendum.

(2) A request under sub-paragraph (1) shall be made in writing and shall specify—

- (a) which documents are requested;
- (b) the purposes for which the information in any document will be used;
- (c) where the request is to inspect the marked business voting register or voters list, any reason why inspecting the business voting register or unmarked voters list would not be sufficient to achieve that purpose;
- (d) who will inspect the documents;
- (e) the date on which they wish to inspect the documents; and
- (f) whether they would prefer to inspect the documents in a printed or data form.

(3) Subject to sub-paragraph (4), the business registration officer shall make the documents open to public inspection available for inspection under supervision not later than 10 days after the date of receipt of a request that has been duly made.

(4) Where a request has been made to inspect copies of the marked business voting register or voters list under sub-paragraph (2) and the business registration officer is not satisfied that the purposes of the requestor cannot be met by inspection of the business voting register, he shall inform the requestor—

- (a) of his decision under this sub-paragraph; and
- (b) provide the requestor with information concerning the availability of the published business voting register for inspection in accordance with paragraph 30 of this Schedule.

(5) A person who obtains a copy of information in any document open to public inspection under this paragraph may only use it for the permitted purposes specified in paragraph 45, and any conditions—

- (a) specified in that paragraph,
- (b) specified in sub-paragraph (7) below, or
- (c) which would apply to the use of the marked business voting register under paragraph 38 where such a person has obtained a copy of that document under sub-paragraph (8) below,

shall apply to such use.

(6) Where inspection takes place by providing the records or lists on a computer screen or otherwise in data form, the relevant registration officer shall ensure that the manner in, and equipment on which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic, or any other means.

(7) Subject to sub-paragraph (8) a person who inspects a copy of a document open to public inspection, whether a printed copy or in data form, may not—

- (a) make copies of any part of it, or
- (b) record any particulars in it,

except that a person who inspects a copy of the marked business voting register or voting lists may make hand written notes.

(8) The relevant registration officer shall, on request, supply free of charge copies of any documents open to public inspection—

- (a) to each of the departments mentioned in paragraph 37;
- (b) to a person who has inspected those documents and who is entitled to be supplied with a copy of the marked business voting register or voting lists by virtue of being a person to whom paragraph 38 applies.

#### **Conditions on the use, supply and disclosure of documents open to public inspection**

**45.**—(1) Subject to sub-paragraphs (2) and (3), restrictions on the supply, disclosure and use of information in paragraphs 31 and 32 shall apply to the documents open to public inspection as they apply to the business voting register.

(2) Where a person inspects information in accordance with paragraph 44, the permitted purpose shall mean either—

- (a) research purposes within the meaning of that term in section 33 of the Data Protection Act 1988; or
- (b) referendum purposes.

(3) Where a copy of any information was supplied in the circumstances to which paragraph 44(8)(b) applies, the permitted purpose means the purposes set out in paragraph 38(2).

## **PART 10**

### **Criminal offences**

#### **Interference with notices**

**46.** If a person without lawful authority destroys, mutilates, defaces or removes any notice published by the business registration officer in connection with the business referendum or any copies of a document which have been made available for inspection in pursuance of those duties, that person shall be liable on a summary conviction to a fine not exceeding level 3 on the standard scale.

#### **Provision of false information**

**47.**—(1) A person who for any purpose connected with the business voting register provides to a business registration officer any false information is guilty of an offence.

(2) In relation to a signature, “false information” for the purposes of sub-paragraph (1) means a signature which—

- (a) is not the usual signature of; or
- (b) was written by a person other than,

the person whose signature it purports to be.

(3) A person does not commit an offence under sub-paragraph (1) if he did not know, and had no reason to suspect, that the information was false.

(4) Where sufficient evidence is adduced to raise an issue with respect to the defence under sub-paragraph (3), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

(5) A person guilty of an offence under this paragraph shall be liable on summary conviction to—

- (a) imprisonment for a term not exceeding 51 weeks;
- (b) a fine not exceeding level 5 on the standard scale; or
- (c) both.

(6) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003(a), the reference in paragraph (5)(a) to 51 weeks must be taken as a reference to six months.

### **Copies of the register**

**48.**—(1) A person inspecting the business voting register under paragraph 30(2) may not—

- (a) make copies of any part of it, or
- (b) record any particulars included in it,

otherwise than by means of hand-written notes.

(2) A person who inspects the business voting register or the marked business voting register under paragraph 30(2) or 44(7) and makes a copy of it or records any particulars included in it otherwise than by means of hand-written notes is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Supply of the register**

**49.**—(1) (a) A person is guilty of an offence if that person contravenes any of the provisions specified in sub-paragraph (2), or

- (b) if that person is an appropriate supervisor of a person (“P”) who fails to comply with any of those provisions and that person failed to take appropriate steps.

(2) The provisions are paragraphs 29(6), 31(3), 32(2), 33(2), (5) and (7), 35(2) and (4), 36(2) and (6), 38(2), 39(5), (7) and (9).

(3) P is not guilty of an offence under sub-paragraph (1) if—

- (a) P has an appropriate supervisor, and
- (b) P has complied with all the requirements imposed by that appropriate supervisor.

(4) A person who is not P or an appropriate supervisor is not guilty of an offence under sub-paragraph (1) if that person takes all reasonable steps to ensure that the provisions specified in sub-paragraph (2) are complied with.

(5) In sub-paragraphs (1)(b) and (3)—

- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation under which P is employed or under whose direction or control P is;

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(a) 2003 c. 44.



(b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the provisions in sub-paragraph (2).

(6) A person guilty of an offence as mentioned in sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Power to require information**

**50.**—(1) A business registration officer may require any person to give information required for the purposes of that officer's duties in maintaining the business voting register.

(2) If any person fails to comply with a requirement of the business registration officer mentioned in this paragraph, that person is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## PART 11

### Appendix of forms

#### Form 1 – Form of invitation to register

To finalise this form highlight the area and insert in the information, then turn off the "Guidance copy" layer

## Neighbourhood Planning Referendum Invitation to Register Important information for non-domestic rate-payers

[Business Registration Officer to fill in  
entitled occupier's name and address  
here]

Space left blank for electoral services  
information

### Why have I been contacted?

There will be a Neighbourhood Planning Referendum on: [day/date] (see reverse for details). Non-domestic rate payers who are liable to pay rates within the Referendum area can choose to register to vote in the referendum if they wish. This referendum allows businesses and residents to be involved in shaping the development and growth of a neighbourhood which is wholly or predominantly business in nature.

You have been identified as liable to pay non-domestic rates on a property or group of properties within the referendum area (details are on the reverse of Form A). Rate-payers have **one** vote each regardless of the number of properties they are liable to pay rates on.

### Registering to vote – what to do next

If you choose to register to vote in the referendum, please:

- a) **Complete the attached non-domestic rate-payer registration form (Form A)** remembering to check the details of the properties identified as yours in section 4 on the reverse of the form.
- b) **Choose who will cast the rate-payer's vote.** The person casting the vote ('the named voter') must meet certain age and nationality criteria (this is explained on Form A).
- c) The named voter must **complete and return the voting choices form (Form B).**

**Both Forms A and B should be returned as soon as possible – we recommend by [25 day deadline].** All forms must be received by 5pm on [11 day deadline]. A freepost envelope is enclosed for you to return the forms.

### Further information

Further information about the referendum, including the referendum question, is printed on the reverse of this letter. If you think this letter has been sent to you in error, or if you have any questions about the referendum or how to register and vote, please contact electoral services.

### Remember to complete and return Forms A & B.

Please turn over for more information 

Neighbourhood Area Business Registration Officer

Printed & Published by the Neighbourhood Area Business Registration Officer

To finalise this form highlight the area and type in the information, then turn off the "Guidance copy" layer

## Further information about the Referendum

### About the Referendum

The Localism Act 2011 introduced new powers for people to have a greater say in the development of their local areas through neighbourhood planning.

A core principle of neighbourhood planning is that a referendum at the end of the process ensures communities, including businesses, have the final say on whether a neighbourhood development plan or order can come into force. These will affect decisions on new development proposals in the area.

A Business Neighbourhood Planning referendum will be held on [date of referendum] within the referendum area shown on the map below.

The referendum question will be as follows: Do you want [local planning authority] to use the neighbourhood plan for [neighbourhood area] to help it decide planning applications in the neighbourhood area?

Do you want the type of development in the neighbourhood development order for [neighbourhood area] to have planning permission?

[Business Registration Officer to decide information for inclusion below this point]

### Map of [referendum area]

[Place image of map and key as required into this area]

### How to find out more

[Please add in here information about where to access information statement and related documents (e.g. Leaflet may be included with this pack, or suggest web address or place where information can be viewed).]

Form A – Non-domestic rate-payer registration form

To finalise this form highlight the area and type in the information, then turn off the “Guidance copy” layer

FORM  
**A**

## Non-domestic rate-payer registration form

### Your right to vote **X**

This form must be completed and returned by or on behalf of the non-domestic rate-payer. Please write in black ink and use **BLOCK LETTERS**. When you have completed every section and signed the form yourself, send it to Electoral Services.

Space left blank for electoral services information

**Please complete and return this form as soon as possible – we recommend by [25 day deadline].**  
If any details change after you have submitted this form, you should contact Electoral Services. All forms must be received by 5pm on [11 day deadline].

#### 1. Registering your business or organisation to vote

You must complete and return this form if you wish to register your business or organisation to vote in the neighbourhood planning referendum.

##### Your details

<b>Surname:</b>	<b>First name</b> and middle name(s):
<b>Name of business / organisation:</b>	
<b>Role / job title (optional):</b>	
<b>Daytime telephone number (optional):</b>	
<b>Email address (optional):</b>	

#### 2. Who can vote?

To cast the vote at the referendum the named voter must be at least 18 years of age on the day of the referendum, and they must be one of the following:

- a British, Irish or European Union citizen, or
- a Commonwealth citizen who has leave to enter or remain in the UK or does not require such leave

**The person casting the vote (the ‘named voter’) must choose how they want to vote by completing and returning Form B.** If that is someone else, please pass Form B to them to complete. The last opportunity to change named voter is [5pm, 11 day deadline]. After that time, changes are only permitted for emergency medical reasons. Please tick and complete as appropriate:

<input type="checkbox"/>	<b>I am the named voter and will complete Form B</b>	OR	<input type="checkbox"/>	<b>I am not the named voter. I authorise:</b>
				_____
				<b>to be the named voter and have asked them to complete Form B</b>

#### 3. Sign here before returning this form

**Please check the list of properties at section 4 on the reverse of the form. If you think any of the properties have been wrongly assigned to you or your business / organisation please delete as appropriate. If you think any properties have been missed, please contact electoral services.**

It is an offence to give false information on this form. I declare that I am the rate-payer, or I am authorised to complete this form on behalf of the rate-payer, and as far as I know the details on this form are true and accurate.

Signature

Date

**Form B must also be completed and returned**

**Please turn over for more information and for section 4** 

Neighbourhood Area Business Registration Officer

Printed & Published by the Neighbourhood Area Business Registration Officer

To finalise this form highlight the area and type in the information, then turn off the "Guidance copy" layer

#### 4. List of properties

The Business Registration officer has identified the rate payer as: [name of rate payer or rate payers].

Rate-payers may only register to vote once in the referendum regardless of the number of properties for which they are liable to pay rates. Rate-payers may only register if they are liable to pay rates on at least one property within the referendum area.

Please check the list of properties below. If you think any of the properties have been wrongly assigned to you or your business / organisation please delete as appropriate. If you think any properties have been missed, please contact electoral services.

[Business Registration Officer to list details and addresses of properties here]

#### The referendum register and its uses

A register is created of all the non-domestic rate-payers who register to vote in this neighbourhood planning referendum, for the purposes of this referendum only. It lists the names of all the non-domestic rate-payers registered to vote and the addresses of the premises within the referendum area on which they pay non-domestic rates. It also contains the names of the individuals who will cast the vote on behalf of each non-domestic rate-payer (the 'named voters').

The Council holds a copy for the purposes of the referendum only. Anyone can look at it, but it is a criminal offence to supply or use copies for purposes other than those set down in law.

The register is kept for 12 months after the referendum and is then destroyed.

#### Form B must also be completed and returned

## Form B – Voting Choices Form

To finalise this form highlight the area and type in the information, then turn off the “Guidance copy” layer

FORM  
B

Voting Choices Form

**This form must be completed and returned by the NAMED VOTER who will cast the non-domestic rate payer’s vote.** Please write in black ink and use **BLOCK LETTERS**. When you have completed every section and signed the form yourself, send it to Electoral Services.

Space left blank for electoral services information

**Please complete and return this form as soon as possible – we recommend by [25 day deadline].**  
 If any details change, or you become unable to vote on behalf of the rate-payer, you should contact Electoral Services.  
 All forms must be received by 5pm on [11 day deadline].

### 1. How I will vote

Please read the instructions over the page. At the referendum you as the named voter may vote either in person at a polling station between 7am and 10pm, or by post. If voting in person you must be available to attend a polling station in the referendum area on the day of the referendum. Please tick **ONE** of the following options:

<input type="checkbox"/> I would like to vote in person	OR	<input type="checkbox"/> I would like to vote by post
---	----	---

### 2. About you

**Surname:**

**First name** and middle name(s):

**Nationality:**

**My address** (for my postal vote or my poll card if voting at a polling station):

**Postcode:**

**Name of business / organisation:**

**Role / job title (optional):**

**Daytime telephone number (optional):**

**Email address (optional):**

### 3. Your date of birth and declaration

**Declaration:** As far as I know, the details on this form are true and accurate. I understand that to provide false information on this form is an offence. I am eligible and authorised to vote at the referendum (see reverse for more details).

**My date of birth is:** (use numbers: DD MM YYYY)

DAY		MONTH		YEAR			

If you are unable to sign this form, please contact Electoral Services.

**Signature:** (keep inside the box)

### 4. Date form completed

Today’s date

DAY		MONTH		YEAR			

**Please turn over for more information**

To finalise this form highlight the area and type in the information, then turn off the "Guidance copy" layer

## Information about voting in the referendum

### Voting in the Referendum

There will be a Neighbourhood Planning Referendum on [\[day/date\]](#). Non-domestic rate payers who pay rates within the Referendum Area may register to vote in the referendum. The person who has been authorised by the rate-payer to cast the vote on their behalf (the 'named voter') must complete **Form B** over the page.

### Am I eligible to cast the rate-payer's vote?

**The person authorised by the non-domestic rate-payer may vote on their behalf. This includes the rate-payer themselves. The person who will cast the vote must meet the following criteria:**

#### Age

The voter must be 18 or older on [\[date of referendum\]](#).

#### Nationality

People who are entitled to cast the rate payer's vote are:

- a British, Irish or European Union citizen, or
- a Commonwealth citizen who has leave to enter or remain in the UK or does not require such leave

**If you are unsure about your eligibility to vote, contact Electoral Services (details over the page)**

### What happens next?

If you have chosen to vote by post, you will be sent your ballot paper in the post. Remember, your ballot paper may not be sent out until four working days before the day of the referendum. If your ballot paper does not arrive by this time, contact Electoral Services. **The signature and date of birth you give on this form will be kept and checked against those you will provide on your postal voting statement.** This will be sent to you with your ballot paper along with instructions for completing it.

If you have chosen to vote in person, you will be sent a poll card with details of your polling station. You still need to provide your signature and date of birth on this form but will not need to do so again when voting. If you become unable to vote the rate-payer must inform electoral services by 5pm [\[11 day deadline\]](#). After that time, changes are only permitted for emergency medical reasons.

### What will my details be used for?

The names of voters in the referendum will appear on the non-domestic rate-payers' referendum register. The Council holds a copy for the purposes of the referendum only. Anyone can look at it, but it is a criminal offence to supply or use copies for purposes other than those set down in law.

The register is kept for 12 months after the referendum and is then destroyed.

### Further information

[\[Business Registration Officer to decide information for inclusion below this point\]](#)

”

THE NEIGHBOURHOOD PLANNING BUSINESS  
REFERENDUMS RULES

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**PART 1**  
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**Citation**

1. These Rules may be cited as the Neighbourhood Planning Business Referendums Rules.

**Interpretation**

2.—(1) In these Rules—

“ballot paper envelope” and “covering envelope” mean the envelopes referred to in rule 20;

“business registration officer” has the same meaning as in Schedule 6;

“business vote holder” has the same meaning as in Schedule 6;

“business voting register” has the same meaning as in Schedule 6, and references to the business voting register include any copies of that register or of any part of it;

“counting observer” means a counting observer duly appointed under rule 47;

“corresponding residential referendum” means the other referendum required to be held on the same plan or order as the business referendum conducted under these Rules;

“named voter” means a person whose details appear on the business voting register as a named voter on behalf of a business vote holder in accordance with Schedule 6;

“number on the register” means the number allotted to an entry on the business voting register under paragraph 15(1)(e) of Schedule 6;

“polling observer” means a polling observer duly appointed under rule 47;

“postal ballot box” means the ballot box referred to in rule 29(1)(b);

“postal ballot paper” means a ballot paper issued to a postal voter;

“postal voter” means a named voter who has chosen to vote by post;

“postal voters’ ballot box” means the ballot box referred to in rule 29(1)(a);

“valid postal voting statement” means a postal voting statement which, in accordance with rule 34 or 35, the counting officer is satisfied has been duly completed;

“voters list” has the same meaning as in Schedule 6, and references to the voters list include any copies of that list or of any part of it;

“universal postal service provider” has the meaning given in Part 3 of the Postal Services Act 2011(a) to a “universal service provider”.

(2) Other expressions used both in these Rules and in the 1983 Act (as it applies to local government elections) have the same meaning in these Rules as they have in that Act.

## PART 2

### Provisions as to Time

#### Timetable

3. The proceedings at the business referendum are to be conducted in accordance with the following Timetable.

#### Timetable

<i>Proceedings</i>	<i>Time</i>
Publication of notice of business referendum	Not later than the twenty-fifth day before the day of the business referendum.
Notice of poll	Not later than the sixth day before the day of the business referendum.
Polling	Between the hours of 7 in the morning and 10 at night on the day of the business referendum.

#### Computation of time

4. In computing any period of time for the purposes of the Timetable the days mentioned in regulation 4(5) are to be disregarded, and any such day is not to be treated as a day for the purpose of any proceedings up to the completion of the poll nor is the counting officer obliged to proceed with the counting of the votes on such a day.

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(a) 2011 c.5.

## PART 3

### General Provisions

#### **Consistency of ballot papers and documents**

5. The counting officer, and, where there is one, the Chief Counting Officer, must ensure, as far as practicable, that any ballot paper or other document issued in relation to the business referendum is in the same form (except for necessary changes) as for the corresponding residential referendum.

#### **Notice of business referendum**

6. The counting officer must publish notice of the business referendum, stating the date of the poll.

#### **Poll to be taken by ballot**

7. A poll must be taken at the business referendum and the votes at the poll must be given by ballot.

#### **The ballot papers**

8.—(1) The ballot of every named voter in the business referendum must consist of a ballot paper.

(2) Every ballot paper to be used in the business referendum must be in the form set out in Form 1 or 2 in the Appendix of Forms at Part 10 of this Schedule (as the case may be).

(3) The ballot paper must be of a colour different from that of the ballot papers used for—

- (a) the corresponding residential referendum; and
- (b) any poll combined with the corresponding residential referendum.

(4) Every ballot paper—

- (a) must be capable of being folded up; and
- (b) must have a number and other unique identifying mark printed on the back.

#### **The corresponding number list**

9.—(1) The counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by the counting officer in pursuance of rule 14(1) or provided by that person in pursuance of rule 46(1).

(2) The list must be in the form set out in Form 3 in the Appendix or a form to like effect.

#### **The official mark**

10.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret.

(3) The counting officer may use a different official mark for different purposes at the same business referendum.

#### **Prohibition of disclosure of vote**

11. No named voter who has voted at the business referendum is, in any legal proceeding to question the business referendum, to be required to state for which answer the named voter has voted.

### **Use of schools and public rooms**

**12.**—(1) The counting officer may use, free of charge, for the purpose of taking the poll or counting the votes—

- (a) a room in a school maintained or assisted by a local authority (as defined in the Education Act 1996(a)) or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) a room the expense of maintaining which is payable out of any rate.

(2) The counting officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.

### **Cross-boundary referendum areas**

**13.**—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.

(2) Where this rule applies, the Chief Counting Officer must ensure, as far as practicable, that any ballot paper or other document issued in relation to the business referendum is in the same form (except for necessary changes) and is issued on the same date in respect of each relevant council.

## **PART 4**

### **Action to be Taken Before the Poll**

#### **Notice of poll**

**14.**—(1) The counting officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll; and
- (b) the question to be asked in the business referendum.

(2) The notice of the poll must be published no later than the sixth day before the date of the business referendum.

(3) The counting officer must, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the location of each polling station; and
- (b) the description of named voters entitled to vote there.

## **PART 5**

### **Postal voting**

#### **Postal ballot papers**

**15.**—(1) The counting officer must issue to postal voters a ballot paper and a postal voting statement in the form set out in Form 4 in the Appendix, or a form to like effect, together with envelopes for their return, in the form set out in rule 20.

(2) The counting officer must also issue to postal voters such information as the officer thinks appropriate about how to obtain—

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(a) 1996 c.56.

- (a) translations into languages other than English of any directions to or guidance for named voters sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the named voter.

(4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the named voter.

### **Persons entitled to be present at proceedings on issue and receipt of postal ballot papers**

16. No person may be present at the proceedings on the issue of postal ballot papers or at the proceedings on the receipt of postal ballot papers, other than a person entitled to attend at the counting of votes under rule 63.

### **Notification of requirement of secrecy**

17. The counting officer must make such arrangements as the counting officer thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the 1983 Act, as applied by Schedule 8.

### **Time when postal ballot papers are issued**

18. Postal ballot papers and postal voting statements must be issued as soon as practicable after the publication of the business voting register in accordance with paragraph 30(1) of Schedule 6.

### **Refusal to issue postal ballot paper**

19. Where a counting officer is satisfied that two or more entries in the voters list relate to the same business vote holder, the counting officer must not issue more than one postal ballot paper in respect of that business vote holder.

### **Procedure on issue of ballot paper**

20.—(1) The number of the business vote holder as stated in the business voting register shall be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that business vote holder.

(2) A mark shall be placed in the business voting register against the number of the business vote holder to denote that a ballot paper has been issued to the business vote holder or named voter, but without showing the particular ballot paper issued.

(3) The number of a postal ballot paper shall be marked on the postal voting statement sent with that paper.

(4) The address to which the postal ballot paper, postal voting statement and the envelopes referred to in rule 21 below are to be sent is the address shown on the voters list.

### **Envelopes**

21.—(1) Paragraphs (2) and (3) below prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and postal voting statement.

(2) There must be issued an envelope for the return of the postal ballot paper and the postal voting statement (referred to as a “covering envelope”) which must be marked with the letter “B”.

(3) There must also be issued a smaller envelope (referred to as a “ballot paper envelope”) which must be marked with—

- (a) the letter “A”;
- (b) the words “ballot paper envelope”; and
- (c) unless the envelope has a window through which the number on the ballot paper can be displayed, the number of the ballot paper.

(4) The envelopes issued under this rule may be a different colour to those issued in respect of the corresponding residential referendum.

### **Sealing up of completed corresponding number lists and security of special lists**

**22.**—(1) As soon as practicable after the issue of each batch of postal ballot papers, the counting officer must make up into a packet the completed corresponding number lists of those ballot papers which have been issued and must seal such a packet.

(2) The counting officer must take proper precautions for the security of the marked copy of the voters list until a marked copy of that list is made up into a packet under rule 31(10).

### **Delivery of postal ballot papers**

**23.**—(1) For the purposes of delivering postal ballot papers, the counting officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm, or
- (c) clerks appointed by the counting officer pursuant to these Regulations.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters must be counted and delivered to that provider or firm by the counting officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage must be prepaid on envelopes addressed to the postal voters (except where paragraph (1)(c) applies).

(4) Return postage must be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of postal ballot papers is within the United Kingdom.

### **Cancellation of postal ballot papers**

**24.**—(1) Where a named voter or the business vote holder has given notice in writing to the business registration officer in accordance with paragraph 21(1) of Schedule 6 and the original named voter’s completed postal ballot paper and postal voting statement have not already been returned, the counting officer shall—

- (a) immediately cancel the postal ballot paper and postal voting statement issued to the original named voter; and
- (b) as soon as practicable after cancelling those documents, make any uncompleted postal ballot papers or postal voting statements which are returned up in a separate packet which must be kept sealed except to put new cancelled documents in it.

(2) Where possible, the original named voter should, when giving notice in writing in accordance with paragraph 21(1) of Schedule 6, also return the uncompleted postal ballot paper and postal voting statement to the counting officer, but the cancellation of these documents in accordance with sub-paragraph (1)(a) above shall not be dependent upon the return of these uncompleted documents.

(3) Where a named voter or a business vote holder has applied for a new named voter for the business referendum in accordance with paragraph 24(1) of Schedule 6 and the original named voter's completed postal ballot paper and postal voting statement have not already been returned, the counting officer shall—

- (a) immediately cancel the postal ballot paper and postal voting statement issued to the original named voter; and
- (b) as soon as practicable after cancelling those documents, make any uncompleted postal ballot papers or postal voting statements which are returned up in a packet (which may be the same packet as that referred to in paragraph 24(1)(b)) which must be kept sealed except to put new cancelled documents in it.

(4) Where a business vote holder has ceased to be liable to pay non-domestic rates on a hereditament in the referendum area and the business registration officer has, in accordance with paragraph 26 of Schedule 6, removed that person's name from the business voting register, any postal ballot paper and valid postal voting statement returned in respect of that business vote holder shall be immediately cancelled.

### **Spoilt postal ballot papers**

**25.**—(1) If a postal voter has inadvertently dealt with that person's postal ballot paper or postal voting statement in such a manner that it cannot be conveniently used as a ballot paper or, as the case may be, a postal voting statement, the postal voter may return (either by hand or by post) to the counting officer the spoilt ballot paper or, as the case may be, the spoilt postal voting statement.

(2) Where a postal voter exercises the entitlement conferred by paragraph (1), the postal voter must also return—

- (a) the postal ballot paper or, as the case may be, the postal voting statement, whether spoilt or not; and
- (b) the envelopes supplied for the return of those documents.

(3) Where the counting officer receives the documents referred to in paragraph (1) and, where applicable, paragraph (2)—

- (a) by 5 pm on the day before the date of the business referendum, the counting officer shall issue another postal ballot paper, and may hand it to a postal voter who applies in person;
- (b) after 5 pm on the day before the date of the business referendum but by 5 pm on the day of the business referendum, the counting officer must only issue another postal ballot paper if the postal voter returned the documents by hand and applies in person, and may only hand a replacement ballot paper to that postal voter.

(4) Paragraphs 20 (except paragraph (2)), 21, 22 and 23 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3) above.

(5) Any postal ballot paper or postal voting statement, whether spoilt or not, returned in accordance with paragraph (1) or (2) must be immediately cancelled.

(6) The counting officer must, as soon as practicable after cancelling those documents, make them up in a separate packet which must be kept sealed except to put new cancelled documents in it.

(7) The counting officer must keep a list of the name of any postal voter and the corresponding number on the business voting register and the number of the postal ballot paper (or papers) issued under this rule.

### **Lost postal ballot papers**

**26.**—(1) Where a postal voter claims either to have lost or not to have received—

- (a) their postal ballot paper, or



- (b) their postal voting statement, or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the date of the business referendum, the postal voter may apply (whether or not in person) to the counting officer for a replacement ballot paper.

(2) Such an application must include evidence of the postal voter's identity.

(3) Where a postal voter exercises the entitlement conferred by paragraph (1), the postal voter must return the documents referred to in paragraph (1)(a) to (c) which have been received and not lost.

(4) Where the counting officer—

- (a) is satisfied as to the postal voter's identity;
- (b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return; and
- (c) receives the documents referred to in paragraph (2) by 5 pm on the day before the date of the business referendum,

the counting officer shall issue another postal ballot paper, and may hand it to a postal voter who applies in person.

(5) Where the counting officer—

- (a) is satisfied as to the postal voter's identity;
- (b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return; and
- (c) receives the documents referred to in paragraph (2) after 5 pm on the day before the date of the business referendum but by 5 pm on the day of the business referendum,

the counting officer must only issue another postal ballot paper if the postal voter returned the documents by hand and applies in person, and may only hand a replacement ballot paper to that postal voter.

(6) Paragraphs 20 (except paragraph (2)), 21, 22 and 23 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3) above.

(7) Any postal ballot paper or postal voting statement returned in accordance with paragraph (3) must be immediately cancelled.

(8) The counting officer must, as soon as practicable after cancelling those documents, make them up in a separate packet which must be kept sealed except to put new cancelled documents in it.

(9) The counting officer must keep a list of the name and number on the register of any postal voter and the number of the postal ballot paper (or papers) issued under this rule.

#### **Alternative means of returning postal ballot paper or postal voting statement**

27.—(1) A postal ballot paper or postal voting statement may be returned by hand to a polling station being used either in the business referendum or in the corresponding residential referendum.

(2) A postal ballot paper or postal voting statement may be returned to the counting officer by post or by hand.

(3) Subject to paragraph (4) the presiding officer of the polling station must deliver, or cause to be delivered, any postal ballot paper or postal voting statement returned to that station to the counting officer in the same manner and at the same time as the presiding officer delivers, or causes to be delivered, the packets referred to in rule 62.

(4) The counting officer may collect, or cause to be collected, any postal ballot paper or postal voting statement which by virtue of paragraph (3) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to the counting officer.

(5) Where the counting officer collects, or causes to be collected, any postal ballot paper or postal voting statement in accordance with paragraph (4) the presiding officer must first make it (or them) up into a packet (or packets) sealed with the presiding officer's own seal and the seals of such polling observers as desire to affix their seals.

### **Notice of opening of postal ballot paper envelopes**

**28.**—(1) The counting officer must give to those persons who are entitled to attend at the counting of votes not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

(2) Such a notice must specify the time and place at which such an opening is to take place.

### **Postal ballot boxes and receptacles**

**29.**—(1) The counting officer must provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters ("postal voters' ballot box"), and
- (b) postal ballot papers ("postal ballot box").

(2) Each such ballot box must be marked "postal voters' ballot box", or "postal ballot box", as the case may be, and with the date of the business referendum, the words "neighbourhood planning business referendum" and the name of the neighbourhood area to which the business referendum relates.

(3) The postal ballot box must be shown to those present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The counting officer must then lock the ballot box and apply the counting officer's seal in such a manner as to prevent its being opened without breaking the seal.

(5) The counting officer must provide the following—

- (a) the receptacle for rejected votes;
- (b) the receptacle for postal voting statements;
- (c) the receptacle for ballot paper envelopes;
- (d) the receptacle for rejected ballot paper envelopes;
- (e) the receptacle for rejected votes after verification procedure;
- (f) the receptacle for postal voting statements after verification procedure.

(6) The counting officer must take proper precautions for the safe custody of every ballot box and receptacle referred to in this rule.

### **Receipt of covering envelope**

**30.**—(1) The counting officer must, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

(2) Where an envelope, other than a covering envelope issued by the counting officer—

- (a) has been opened, and
- (b) contains a ballot paper envelope, postal voting statement or ballot paper,

the first-mentioned envelope, together with its contents, must be placed in a postal voters' ballot box.

### **Opening of postal voters' ballot box**

**31.**—(1) Each postal voters' ballot box must be opened by the counting officer in the presence of such of those entitled to attend who are present.

(2) So long as the counting officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by the counting officer.

(3) The last postal voters' ballot box and the postal ballot box must be opened at the counting of the votes.

### **Opening of covering envelopes**

**32.**—(1) When a postal voters' ballot box is opened, the counting officer must count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph (2) of rule 30).

(2) The counting officer must set aside for personal identifier verification a percentage, not less than 20%, of the envelopes recorded on that occasion.

(3) The counting officer must open separately each covering envelope (including an envelope described in paragraph (2) of rule 30).

(4) The procedures in rule 34 or 35 apply where a covering envelope (including an envelope described in paragraph (2) of rule 30) contains both—

- (a) a postal voting statement; and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper.

(5) Where the covering envelope does not contain the postal voting statement separately, the counting officer must open the ballot paper envelope to ascertain whether the postal voting statement is inside.

(6) Where a covering envelope does not contain both—

- (a) a postal voting statement (whether separately or not); and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper,

the counting officer must mark the covering envelope "provisionally rejected", attach its contents (if any) and place it in the receptacle for rejected votes.

(7) In carrying out the procedure in this rule and rules 34 to 40, the counting officer—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person from seeing the votes made on the ballot papers; and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(8) Where an envelope opened in accordance with paragraph (3) contains a postal voting statement, the counting officer must place a mark in the marked copy of the voters list in a place which corresponds to the named voter's corresponding number on the register to denote that a postal vote has been returned.

(9) A mark made under paragraph (8) must be distinguishable from and must not obscure any other mark.

(10) As soon as practicable after the last covering envelope has been opened, the counting officer must make up into a packet the copy of the marked voters list and must seal such a packet.

(11) Rule 64(3) does not apply for the purposes of determining whether, for the purposes of this rule, a postal vote is returned.

### **Confirming receipt of postal voting statements**

**33.**—(1) A named voter who is shown in the voters list as voting by post may make a request, at any time between the first issue of postal ballots and the close of the poll, that the counting officer confirm—

- (a) whether a mark is shown in the marked copy of the voters list to denote that a postal vote has been returned, and
- (b) whether the number of the ballot paper issued to the named voter has been recorded on either of the lists of provisionally rejected votes kept by the counting officer under paragraphs (2) and (3) of rule 39.

(2) A request under paragraph (1) must be made by any method specified, and include any evidence of the named voter's identity requested, by the counting officer.

(3) Where a request is received in accordance with paragraph (2) the counting officer shall satisfy himself that the request has been made by the named voter and where the counting officer is so satisfied provide confirmation of the matters under paragraph (1).

### **Procedure in relation to postal voting statements**

**34.**—(1) This rule applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with rule 32(2).

(2) The counting officer must satisfy themselves that the postal voting statement is duly completed.

(3) Where the counting officer is not so satisfied, the counting officer must mark the statement "rejected", attach it to the ballot paper envelope, or if there is no such envelope, the ballot paper, and, subject to paragraph (4), place it in the receptacle for rejected votes.

(4) Before placing the statement in the receptacle for rejected votes, the counting officer must show it to the counting observers and, if any of them object to the counting officer's decision, must add the words "rejection objected to".

(5) The counting officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, the counting officer must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it,

the counting officer must open the envelope.

(7) Paragraph (8) applies where—

- (a) there is a valid postal voting statement but not ballot paper envelope; or
- (b) the ballot paper envelope has been opened under rule 32(5) or paragraph (6).

(8) Where this paragraph applies, the counting officer must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes, any other ballot paper, with the valid postal voting statement attached and marked "provisionally rejected";
- (c) in the receptacle for rejected votes, any valid postal voting statement marked "provisionally rejected" where there is no ballot paper;
- (d) in the receptacle for postal voting statements, any valid statement not disposed of under sub-paragraph (b) or (c).

### **Procedure in relation to postal voting statements: personal identifier verification**

**35.**—(1) This rule applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with rule 32(2).

(2) The counting officer must be satisfied that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the counting officer is not so satisfied, the counting officer must mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper, and, subject to paragraph (4) place it in the receptacle for rejected votes after verification procedure.

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the counting officer must show it to the counting observers and must permit them to view the entries in the identifier record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to the counting officer’s decision, must add the words “rejection objected to”.

(5) The counting officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements after verification procedure and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it,

the counting officer must open the envelope.

(7) Paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope, or
- (b) the ballot paper envelope has been opened under rule 32(5) or paragraph (6).

(8) Where this paragraph applies, the counting officer must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes after verification procedure, any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes after verification procedure, any valid postal voting statement marked “provisionally rejected” where there is no ballot paper;
- (d) in the receptacle for postal voting statements after verification procedure, any valid statement not disposed of under sub-paragraph (b) or (c).

### **Postal voting statements: additional personal identifier verification**

**36.**—(1) A counting officer may on any occasion at which a postal voters’ ballot box is opened in accordance with rule 31 undertake verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.

(2) Where a counting officer undertakes additional verification of personal identifiers, the counting officer must—

- (a) remove as many postal voting statements from the receptacle for postal voting statements as the counting officer wishes to subject to additional verification; and

- (b) compare the date of birth and the signature on each such postal voting statement against the date of birth and signature contained in the identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the counting officer is no longer satisfied that the postal voting statement has been duly completed the counting officer must mark the statement “rejected” and before placing the postal voting statement in the receptacle for rejected votes after verification procedure, the counting officer must—

- (a) show it to the counting observers and must permit them to view the entries in the identifier record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to the counting officer’s decision, must add the words “rejection objected to”;
- (b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper number on the postal voting statement;
- (c) show the ballot paper number on the retrieved ballot paper to the counting observers; and
- (d) attach the ballot paper to the postal voting statement.

(4) Following the removal of a postal ballot paper from a postal ballot box the counting officer must lock and reseal the postal ballot box in the presence of the counting observers.

(5) Whilst retrieving a ballot paper in accordance with paragraph (4), the counting officer and the counting officer’s staff—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person seeing the votes made on the ballot papers, and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

#### **Opening of ballot paper envelopes**

**37.**—(1) The counting officer must open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) The counting officer must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which must be marked “provisionally rejected” and to which must be attached the ballot paper envelope;
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which must be marked “provisionally rejected” because it does not contain a ballot paper.

#### **Retrieval of cancelled postal ballot papers**

**38.**—(1) Where it appears to the counting officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters’ ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

the counting officer must proceed as follows.

(2) The counting officer must, on at least one occasion on which a postal voters’ ballot box is opened in accordance with rule 31, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;

- (b) show the ballot paper number on the cancelled ballot paper to the polling observers;
  - (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements;
  - (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
  - (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by rule 25(6); and
  - (f) unless the postal ballot box has been opened for the purposes of the counting of votes, re-lock (if it has a lock) and re-seal the postal ballot box in the presence of the counting observers.
- (3) Whilst retrieving a cancelled ballot paper in accordance with paragraph (2), the counting officer and the counting officer's staff—
- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person seeing the votes made on the ballot papers, and
  - (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

### **Lists of rejected postal ballot papers**

**39.**—(1) The counting officer must keep two separate lists of rejected postal ballot papers.

(2) In the first list, the counting officer must record the ballot paper number of any postal ballot paper for which no valid postal voting statement was received with it.

(3) In the second list, the counting officer must record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that ballot paper is not received with the postal voting statement.

### **Checking of lists kept under rule 39**

**40.**—(1) Where the counting officer receives a valid postal voting statement without the postal ballot paper to which it relates, the counting officer may, at any time prior to the close of the poll, check the list kept under rule 39 to see whether the number of a postal ballot paper to which the statement relates is entered in that list.

(2) Where the counting officer receives a postal ballot paper without the postal voting statement to which it relates, the counting officer may, at any time prior to the close of the poll, check the list kept under rule 39 to see whether the number of that ballot paper is entered in that list.

(3) The counting officer must conduct the checks required by paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station being used for the purposes of the business referendum.

(4) Where the ballot paper number in the list matches that number on a valid postal voting statement or, as the case may be, the postal ballot paper, the counting officer must retrieve that statement or paper.

(5) The counting officer must then take the appropriate steps under this Part of these Rules as though any document earlier marked “provisionally rejected” had not been so marked and must amend the document accordingly.

### **Sealing of receptacles**

**41.**—(1) As soon as practicable after the completion of the procedure under paragraphs (1), (2) and (4) of rule 40, the counting officer must make up into separate packets the contents of—

- (a) the receptacle of rejected votes,
- (b) the receptacle of postal voting statements,
- (c) the receptacle of rejected ballot paper envelopes,
- (d) the lists of spoilt and lost postal ballot papers,
- (e) the receptacle of rejected votes after verification procedure, and
- (f) the receptacle of postal voting statements after verification procedure,

and must seal up such packets.

(2) Any document in those packets marked “provisionally rejected” must be deemed to be marked “rejected”.

### **Forwarding of documents**

**42.**—(1) The counting officer must forward to the business registration officer at the same time as the counting officer forwards the documents mentioned in rule 72—

- (a) any packets referred to in rules 22(1), 24(1) and (3), 25(6), 26(8), 32(10), 41(1) and paragraph (2), endorsing on each packet a description of its contents, the date of the business referendum, the words “neighbourhood planning business referendum” and the name of the neighbourhood area to which the business referendum relates; and
- (b) a completed statement of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the counting officer after the close of the poll (apart from those delivered in accordance with rule 27(3));
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the counting officer must put them unopened in a separate packet, seal up such a packet and endorse and forward it at a subsequent date in the manner described in paragraph (1).

(3) A copy of the statement referred to in paragraph (1)(b) must be provided by the counting officer to the Secretary of State and the Electoral Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.

## **PART 6**

### **Polling stations**

#### **Provision of polling stations**

**43.**—(1) The counting officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the named voters to the polling stations in such manner as the counting officer thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The counting officer must provide each polling station with such number of compartments as may be necessary in which the named voters can mark their votes screened from observation.

(4) The polling station allotted to a named voter who is also voting in person at the corresponding residential referendum must as far as practicable be in the same polling place as the polling station allotted to that person for the corresponding residential referendum.



### **The appointment of presiding officers and polling clerks**

**44.**—(1) The counting officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the business referendum.

(2) The counting officer may, if that officer thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer apply to a counting officer so presiding with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.

(3) A presiding officer may do, by the clerks appointed to assist the officer, any act (including the asking of questions) which the officer is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

### **Issue of official poll cards**

**45.**—(1) The counting officer must as soon as practicable after each publication of the business voting register under paragraph 30(1) of Schedule 6 send an official poll card to each named voter who has chosen to vote in person.

(2) The official poll card must be sent or delivered to the address shown on the voters list.

(3) The official poll card must be in the form set out in Form 5 in the Appendix, or a form to like effect, and must set out—

- (a) the name of the relevant council and of the neighbourhood area;
- (b) the name of the named voter, the business vote holder on whose behalf they are voting and the number on the business voting register;
- (c) the date and hours of the poll and the situation of the named voter's polling station;
- (d) such other information as the counting officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different named voters or to different descriptions of named voter.

### **Equipment of polling stations**

**46.**—(1) The counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the counting officer's opinion may be necessary.

(2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(3) The counting officer must provide each polling station with—

- (a) materials to enable named voters to mark the ballot papers;
- (b) copies of such part of the business voting register as contains the names of the named voters allotted to the station;
- (c) the parts of any voters list corresponding to the business voting register or the part of it provided under sub-paragraph (b);
- (d) a list, in the form set out in Form 6 in the Appendix or a form to like effect, consisting of that part of the list prepared under rule 8 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(4) The reference in paragraph (3)(b) to the copies of the business voting register includes any alterations made to that register under Schedule 6.

(5) The counting officer must also provide each polling station with—

- (a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of named voters who are partially sighted; and

- (b) a device of such description as is set out in paragraph (9) for enabling named voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 56(1)).

(6) A notice in the form set out in Form 7 in the Appendix, giving directions for the guidance of named voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

(7) The counting officer may also provide copies of the notice mentioned in paragraph (6) in Braille or translated into languages other than English as the counting officer considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(8) In every compartment of every polling station there must be exhibited the notice “BUSINESS REFERENDUM ON [specify: neighbourhood plan/neighbourhood development order] FOR [specify name of neighbourhood area]. Mark a cross (X) in the box next to the answer of your choice. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.”

(9) The device referred to in paragraph (5)(b) must—

- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper;
- (b) hold the ballot paper firmly in place during use; and
- (c) provide suitable means for the named voter to—
  - (i) identify the spaces on the ballot paper on which they may mark their vote;
  - (ii) identify the answer to which each such space refers; and
  - (iii) mark their vote on the space they have chosen.

#### **Appointment of polling observers and counting observers**

**47.**—(1) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation (“polling observers”).

(2) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).

(3) In these Rules references to polling observers and counting observers are to be taken as references to polling observers and counting observers whose appointments have been duly made.

(4) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling observers or counting observers, the non-attendance of any such person at the time and place appointed for the purpose does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

#### **Notification of requirement of secrecy**

**48.** The counting officer must make such arrangements as the counting officer thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a named voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act<sup>(a)</sup>, as applied by Schedule 8; and

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<sup>(a)</sup> Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(b) and 96 of Schedule 1 to the Electoral Administration Act 2006 (c.22); subsection (6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50).

- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section, as applied by Schedule 8.

## PART 7

### The Poll

#### **Admission to polling station**

**49.**—(1) The presiding officer must exclude all persons from the polling station except—

- (a) named voters;
- (b) persons under the age of 18 who accompany named voters to the polling station;
- (c) the polling observers appointed to attend at the polling station;
- (d) the clerks appointed to attend at the polling station;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000<sup>(a)</sup>;
- (f) the constables on duty; and
- (g) the companions of named voters with disabilities.

(2) The presiding officer must regulate the total number of named voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) A constable or person employed by a counting officer must not be admitted to vote in person elsewhere than at the polling station allotted to them under these Rules, except on production and surrender of a certificate as to their employment which must be in the form set out in Form 8 in the Appendix, or a form to like effect, and signed by an officer of police of or above the rank of inspector or by the counting officer by whom the person is employed, as the case may be.

(4) Any certificate surrendered under this rule must forthwith be cancelled.

#### **Keeping of order in polling station**

**50.**—(1) It is the presiding officer's duty to keep order at the presiding officer's polling station.

(2) If a person misconducts themselves in a polling station, or fails to obey the presiding officer's lawful orders, that person may immediately, by the presiding officer's order, be removed from the polling station—

- (a) by a constable in or near that station; or
- (b) by any other person authorised in writing by the counting officer to remove the person,

and the person so removed may not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a named voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

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<sup>(a)</sup> 2000 c.41. Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 (c.22).

### Sealing of ballot boxes

51. Immediately before the commencement of the poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place the officer's seal on it in such a manner as to prevent the box being opened without breaking the seal and must place the box in the officer's view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

### Questions to be put to named voters

52.—(1) At the time of the application for a ballot paper (but not afterwards), the questions specified in the following Table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the Table; and
- (b) must be put if the letter "R" appears after the question and a polling observer requires the question to be put:

**Table**

<i>Q no</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as a named voter	(a)—Are you the person whose name appears as AB on the business voting register for this referendum area as named to vote on behalf of CD? <i>(read the whole entry from the register)</i> [R] (b)—Have you already voted here or elsewhere at this business referendum on behalf of CD? [R] (c)—Have you already voted here or elsewhere at this business referendum on behalf of two persons (including yourself)?
2	A person applying as a named voter who is shown on the voters list as entitled to vote by post	(a)—Did you choose to vote by post?  (b)—Why have you not voted by post?

(2) A ballot paper must not be delivered to any person required to answer any of the above questions unless that person has answered each question satisfactorily.

(3) Except as authorised by this rule, no inquiry is permitted as to the right of any person to vote.

### Challenge of named voter

53. A person must not be prevented from voting by reason only that—

- (a) any polling observer permitted to be present in accordance with rule 49(1) declares that the polling observer has reasonable cause to believe that the person has committed an offence of personation; or
- (b) the person is arrested on the grounds that the person is suspected of committing or of being about to commit such an offence.

### Voting procedure

54.—(1) A ballot paper must be delivered to a named voter who applies for one, and immediately before delivery—

- (a) the number on the register and name of the named voter must be called out;

- (b) the number on the register must be marked on the list mentioned in rule 46(3)(d) beside the number of the ballot paper to be issued; and
- (c) a mark must be placed in the copy of the business voting register against the number on the register to note that a ballot paper has been received but without showing the particular ballot paper which has been received.

(2) The named voter, on receiving their ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark the ballot paper and fold it up so as to conceal their vote, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

(3) The named voter must vote without undue delay, and must leave the polling station as soon as the named voter has put the named voter's ballot paper into the ballot box.

### **Votes marked by presiding officer**

**55.**—(1) The presiding officer, on the application of a named voter—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules; or
- (b) who declares orally that the named voter is unable to read,

must, in the presence of the polling observers (if any), cause that person's vote to be marked on a ballot paper in the manner directed by that person, and the ballot paper to be placed in the ballot box.

(2) The name and number in the business voting register of every person whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

### **Voting by persons with disabilities**

**56.**—(1) If a named voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other disability; or
- (b) inability to read,

to vote with the assistance of another person by whom the named voter is accompanied (in these Rules referred to as "the companion"), the presiding officer must require the named voter to declare, orally or in writing, whether the named voter is so incapacitated by blindness or other disability, or by the named voter's inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the named voter is so incapacitated or unable to read; and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as "the declaration made by the companion of a named voter with disabilities") that the companion—
  - (i) is a qualified person within the meaning of this rule; and
  - (ii) has not previously assisted more than one named voter with disabilities to vote at the business referendum,

the presiding officer must grant the application, and then anything which is by these Rules required to be done to or by that named voter in connection with the giving of their vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these Rules, a person is a named voter with disabilities if that person has made such a declaration as is mentioned in paragraph (1), and a person is qualified to assist a named voter with disabilities to vote if that person—

- (a) is capable of being named as a named voter at the business referendum; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the named voter and has attained the age of 18 years.

(4) The name and number in the register of every person whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the list of named voters with disabilities assisted by companions”).

(5) The declaration made by the companion of a named voter—

- (a) must be in the form set out in Form 9 in the Appendix;
- (b) must be made before the presiding officer at the time when the named voter applies to vote with the assistance of a companion; and
- (c) must forthwith be given to the presiding officer who must attest and retain it.

(6) No fee or other payment may be charged in respect of the declaration.

### **Tendered ballot papers: circumstances where available**

**57.**—(1) If a person, representing themselves to be a particular named voter named on the business voting register, and not shown on the voters list as entitled to vote by post, applies for a ballot paper after another person has voted in person as the named voter, the applicant is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 58, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other named voter.

(2) Paragraph (3) applies if—

- (a) a person applies for a ballot paper representing themselves to be a particular named voter named on the business voting register;
- (b) that person is also shown in the voters list as having chosen to vote by post; and
- (c) that person claims that that person did not choose to vote by post at the business referendum.

(3) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 58, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other named voter.

(4) Paragraph (5) applies if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents themselves to be a particular named voter named on the business voting register who is also shown in the voters list as having chosen to vote by post, and claims that the person has lost or has not received their postal ballot paper.

(5) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 58, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other named voter.

### **Tendered ballot papers: general provisions**

**58.**—(1) A tendered ballot paper must—

- (a) be of a colour differing from that of the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the officer with the name of the person who has marked a tendered ballot paper and their number in the register of electors, and set aside in a separate packet.

(2) The name of the person who has marked a tendered ballot paper and their number in the business voting register must be entered on a list (in these Rules referred to as the “tendered votes list”).

### **Spoilt ballot papers**

59. A named voter who has inadvertently dealt with their ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to the presiding officer’s satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

### **Alterations of register on day of poll**

60. The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made—

- (a) by virtue of paragraph 23 or 24 of Schedule 6, or
- (b) as a result of a decision on appeal under paragraph 29 of Schedule 6,

which takes effect on the day of the poll.

### **Adjournment of poll in case of riot**

61.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings until the following day and must forthwith give notice to the counting officer.

(2) Where the poll is adjourned at any polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
- (b) references in these Rules to the close of the poll are construed accordingly.

### **Procedure on close of poll**

62.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling observers (if any), make up into separate packets, sealed with the presiding officer’s own seal and the seals of such polling observers as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the business voting register;
- (e) the lists prepared under rule 8 including the parts which were completed in accordance with rule 54(1)(b) (together referred to in these Rules as “the completed corresponding number lists”);
- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the list of named voters assisted by companions, the list of votes marked by the presiding officer, a statement of the number of named voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 56, and the declarations made by the companions of named voters,

and must deliver the packets or cause them to be delivered to the counting officer to be taken charge of by that person; but if the packets are not delivered by the presiding officer

personally to the counting officer, the arrangements for their delivery require the counting officer's approval.

(2) The marked copies of the business voting register must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(3) The packets must be accompanied by a statement (in these Rules referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to that officer, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoiled and tendered ballot papers.

## PART 8

### Counting of Votes

#### **Attendance at counting of votes**

**63.**—(1) The counting officer must make arrangements for counting the votes in the presence of the counting observers as soon as practicable after the close of the poll, and must give to the counting observers notice in writing of the time and place at which the counting officer will begin to count the votes.

(2) No person other than—

- (a) the Chief Counting Officer, the counting officer and the counting officer's clerks;
- (b) the counting observers; and
- (c) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

may be present at the counting of the votes, unless permitted by the counting officer to attend.

(3) A person not entitled to attend at the counting of the votes is not permitted to do so by the counting officer unless the counting officer is satisfied that the efficient counting of the votes will not be impeded.

(4) The counting officer must give the counting observers all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the officer can give them consistent with the orderly conduct of the proceedings and the discharge of the officer's duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting observers are entitled to satisfy themselves that the ballot papers are correctly sorted.

#### **The count**

**64.**—(1) The counting officer must—

- (a) in the presence of the counting observers open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the counting observers verify each ballot paper account; and
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) The counting officer must not count the votes given on any ballot papers until—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box; and



- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box (if there is another ballot box).
- (3) A postal ballot paper must not be taken to be duly returned unless—
- (a) it is returned in the manner set out in paragraph (4) and reaches the counting officer or any polling station used at the business referendum in question before the close of the poll;
  - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (4) and reaches the counting officer or such a polling station before that time;
  - (c) the postal voting statement also states the date of birth of the named voter; and
  - (d) in a case where steps for verifying the date of birth and signature of a named voter have been prescribed by these Rules, the counting officer (having taken such steps) verifies that date of birth and that signature.
- (4) The manner in which any postal ballot paper or postal voting statement may be returned—
- (a) to the counting officer, is by hand or by post;
  - (b) to a polling station, is by hand.
- (5) The counting officer must not count any tendered ballot paper.
- (6) The counting officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (7) The counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoilt ballot papers in the officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting observer may copy.
- (8) Where the referendum area comprises any part of the area of more than one relevant council, as soon as is practicable after the counting officer has drawn up the statement as to the result of the verification, the counting officer must inform the Chief Counting Officer of its content.
- (9) The counting officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the counting officer may exclude the hours between 7 in the evening and 9 on the following morning.
- (10) During the time so excluded the counting officer must—
- (a) place the ballot papers and other documents relating to the business referendum under the counting officer's own seal and the seals of such counting observers as desire to affix their seals; and
  - (b) otherwise take proper precautions for the security of the papers and documents.

### **Re-count**

- 65.**—(1) The counting officer may have the votes re-counted or again re-counted.
- (2) Paragraphs (3) to (7) apply where the referendum area comprises any part of the area of more than one relevant council.
- (3) As soon as practicable after the conclusion of the count (which includes any re-count whether or not directed under this rule), the counting officer must draw up a provisional statement showing—
- (a) the number of ballot papers counted by the counting officer;
  - (b) the number of votes cast in favour of each answer to the question asked in the business referendum.

(4) As soon as possible after completion of the provisional statement, the counting officer must inform the Chief Counting Officer of its contents.

(5) Once the Chief Counting Officer has received the report of any counting officer on the contents of that counting officer's provisional statement prepared under paragraph (3) and under rule 66(5), the Chief Counting Officer may direct the counting officer to re-count (or further re-count) the votes.

(6) A re-count directed by the Chief Counting Officer under paragraph (5) may be of the votes in the whole referendum area, or in the areas of such of the relevant councils falling within the referendum area as the Chief Counting Officer considers reasonable.

(7) A counting officer must proceed with a re-count as soon as practicable after receipt of the Chief Counting Officer's direction, and if not proceeding forthwith must notify those counting observers entitled to be present at the re-count of the time and place at which the counting officer will begin to re-count the votes.

### **Rejected ballot papers**

**66.**—(1) Any ballot paper—

- (a) which does not bear the official mark; or
- (b) on which votes are given for more than one answer; or
- (c) on which anything is written or marked by which the named voter or business vote holder can be identified except the printed number and other unique identifying mark on the back; or
- (d) which is unmarked or void for uncertainty,

is, subject to paragraph (2), void and must not be counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place; or
- (b) otherwise than by means of a cross; or
- (c) by more than one mark,

is not for such reason deemed to be void if an intention that the vote is for one or the other of the answers clearly appears, and the way the paper is marked does not itself identify the named voter or business vote holder and it is not shown that the named voter or business vote holder can be identified by it.

(3) The counting officer must endorse the word "rejected" on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words "rejection objected to" if any objection is made by a counting observer to the counting officer's decision.

(4) Subject to paragraph (5), the counting officer must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one answer;
- (c) writing or mark by which the named voter or business vote holder could be identified;
- (d) unmarked or void for uncertainty.

(5) Where the referendum area comprises any part of the area of more than one relevant council, the statement referred to in paragraph (4) above is to be a provisional statement and as soon as practicable after the completion of that statement, the counting officer must inform the Chief Counting Officer of its contents.

### **Decisions on ballot papers**

67. The decision of the counting officer on any question arising in respect of a ballot paper is final.

### **Equality of votes**

68. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between the answers, the result is that there is no majority in favour of the making of the plan or order.

## **PART 9**

### **Declaration of Result and Disposal of Documents**

#### **Declaration of result**

69.—(1) This rule applies where rule 70 does not apply.

(2) When the result of the poll has been ascertained, the counting officer must forthwith—

- (a) declare the result of the business referendum;
- (b) inform the proper officer of the relevant council of the result of the business referendum;
- (c) give public notice of—
  - (i) the result of the business referendum;
  - (ii) the number of ballot papers counted;
  - (iii) the total number of votes cast for each answer; and
  - (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

#### **Declaration of result: cross-boundary referendum areas**

70.—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.

(2) When the Chief Counting Officer is satisfied the result of the poll has been ascertained, the Chief Counting Officer must direct the counting officers to draw up a final statement of the matters referred to in rule 65(3) and to provide final versions of their statements of rejected ballot papers.

(3) The counting officer, having drawn up the final statement, must—

- (a) forthwith inform the Chief Counting Officer of its contents; and
- (b) as soon as reasonably practicable give the Chief Counting Officer notice of the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(4) When authorised by the Chief Counting Officer to do so, each counting officer must—

- (a) make a declaration of the matters referred to in the final statement; and
- (b) give public notice of those matters together with the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(5) The Chief Counting Officer, having received notification of the final statement from each counting officer referred to in paragraph (2) must—

- (a) draw up a statement of—

- (i) the total number of ballot papers counted, and
- (ii) the total number of votes cast in favour of each answer to the question asked, in respect of the business referendum;
- (b) declare the result of the business referendum;
- (c) inform the proper officer of each relevant council of the result of the business referendum;
- (d) give public notice of—
  - (i) the result of the business referendum;
  - (ii) the number of ballot papers counted;
  - (iii) the total number of votes cast for each answer; and
  - (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

### **Sealing up of ballot papers**

**71.**—(1) On the completion of the counting at a business referendum the counting officer must seal up in separate packets the counted and rejected ballot papers.

- (2) The counting officer must not open the sealed packets of—
  - (a) tendered ballot papers;
  - (b) the completed corresponding number lists;
  - (c) certificates as to employment on duty on the day of the poll; or
  - (d) marked copies of the business voting register.

### **Delivery of documents to business registration officer**

**72.** The counting officer must then forward to the business registration officer the following documents—

- (a) the packets of ballot papers in the counting officer’s 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 named voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 60, and the declarations made by the companions of named voters with disabilities;
- (d) the packets of the completed corresponding number lists;
- (e) the packets of certificates as to employment on duty on the day of the poll; and
- (f) the packets containing marked copies of business voting registers and voters lists,

endorsing on each packet a description of its contents, the date of the business referendum, the words “neighbourhood planning business referendum” and the name of the neighbourhood area to which the business referendum relates.

### **Orders for production of documents**

- 73.**—(1) An order—
  - (a) for the inspection or production of any rejected ballot papers in the custody of the business registration officer; or
  - (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the business registration officer’s custody,

may be made by a county court or the High Court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of proceedings brought as mentioned in section 61N(3) of the 1990 Act<sup>(a)</sup>.

(2) An order under this rule may be made subject to such conditions as to—

- (a) persons;
- (b) time;
- (c) place and mode of inspection;
- (d) production or opening,

as the court making the order may think expedient.

(3) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular named voter or business vote holder has been given is not disclosed until it has been proved—

- (a) that their vote was given; and
- (b) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the business registration officer of any document in the business registration officer's possession relating to any specified business referendum—

- (a) the production by the business registration officer or that officer's agent of the document ordered in such manner as may be directed by that order is conclusive evidence that the document relates to the specified business referendum; and
- (b) any endorsement on any packet of ballot papers so produced is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any business referendum; and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

is prima facie evidence that the person whose vote was given by that ballot paper was the person whose entry in the business voting register at the time of the business referendum contained the same number as the number written as mentioned in sub-paragraph (b) of this paragraph.

(8) Save as by this rule provided, no person is to be allowed to inspect any rejected or counted ballot papers in the possession of the business registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

### **Retention of documents**

**74.** The business registration officer must retain for one year all documents relating to a business referendum forwarded to that officer in pursuance of these Rules by a counting officer, and then, unless otherwise directed by an order of a county court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

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(a) Section 61N was inserted into the Town and Country Planning Act 1990 by section Section 116 of and paragraph 2 of Schedule 9 to the Localism Act 2011 (c.20).

## PART 10

### Appendix of Forms

*Note:*—The forms contained in this Appendix may be adapted so far as circumstances require.

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 - Corresponding Number List L1

Form 4 - Form of Business Referendum Postal Voting Statement

Form 5 - Official Poll Card (to be sent to a named voter voting in person)

Form 6 - Corresponding Number List L2

Form 7 - Form of directions for the guidance of the named voters in voting

Form 8 - Form of Certificate of Employment

Form 9 - Form of declaration to be made by the companion of a named voter with disabilities

**Front of ballot paper**

Business Referendum on the Neighbourhood Plan for [ <i>insert name of neighbourhood area</i> ]	
Do you want [ <i>insert name of local planning authority</i> ] to use the <b>Neighbourhood Plan for [<i>insert name of neighbourhood area</i>]</b> to help it decide planning applications in the neighbourhood area?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
<b>Yes</b>	
<b>No</b>	

**Back of ballot paper**

Ballot Paper Number
Other Unique Identifying Mark
Business Referendum on the Neighbourhood Plan for [ <i>insert name of neighbourhood area</i> ] on [ <i>insert date</i> ]

**Directions as to printing the ballot paper**

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

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

**Front of ballot paper**

Business Referendum on the Neighbourhood Development Order for <i>[insert name of neighbourhood area]</i>	
Do you want the type of development in the <b>Neighbourhood Development Order</b> for <b>[insert name of neighbourhood area]</b> to have planning permission?	
Vote only ONCE by making a cross (X) in the box next to your choice	
<b>Yes</b>	<input type="checkbox"/>
<b>No</b>	<input type="checkbox"/>

**Back of ballot paper**

Ballot Paper Number
Other Unique Identifying Mark
Business Referendum on the Neighbourhood Development Order for <i>[insert name of neighbourhood area]</i> on <i>[insert date]</i>

**Directions as to printing the ballot paper**

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.





Form 4 – Form of Business Referendum Postal Voting Statement

Business Referendum Postal Voting Statement

Name of person voting by post: ..... Ballot paper No. ....

**You must provide your signature and date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.**

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO  
Date of birth 

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 (Date of birth of person voting)

**Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person's ballot paper.**

PLEASE READ INSTRUCTIONS TO THE NAMED VOTER  
Issued by the Counting Officer.

INSTRUCTIONS TO THE NAMED VOTER

Complete the ballot paper yourself and in private. If you need help contact the Counting Officer's staff as shown below

[Contact details for assistance  
Include address as appropriate]

1. You must provide your signature and date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.
2. Vote ONCE only. Do not mark the paper in any other way, or your vote will not be counted.
3. Mark a cross (X) in the box on the right hand side of the answer of your choice.
4. If you need any help voting, the person helping you must not tell anyone how you voted.
5. Put the ballot paper in the small envelope marked **A** and seal it.
6. Complete the postal voting statement by signing it, and provide your date of birth.
7. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.
8. After receiving the postal vote, you cannot vote in person at a polling station at this referendum.
9. If you accidentally spoil your ballot paper, you can apply to the Counting Officer for a replacement before 5 p.m. on [day / date of poll]. You must return the spoilt ballot paper, the postal voting statement, and the envelopes marked A and B. Make sure you contact the Counting Officer as soon as possible.

! Your ballot paper and the postal voting statement must be received by the Counting Officer by 10 p.m. on [day / date of poll]. You can deliver your completed postal vote at any polling station in your referendum area on polling day.

**Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person's ballot paper.**

**It is illegal to vote more than once at the same referendum (unless you are a named voter on behalf of another business at the referendum).** [You may vote at the residential referendum on the same plan / order, if you are entitled to vote on it as a resident as well.]

Form 5 – Official Poll Card (to be sent to a named voter voting in person)

OFFICIAL POLL CARD (To be sent to a named voter who is voting in person)	
<i>Front of card</i> OFFICIAL POLL CARD	
Relevant council: Neighbourhood area: Polling Day: Polling hours: 7 a.m. to 10 p.m. Your polling station will be:	This card is to tell you that for this business referendum, the person shown on the back of this card has named you to vote on their behalf. Number on register: Name of named voter: ..... Address: .....
<b>This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there.</b> <i>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</i>	

<i>Back of card</i>
BUSINESS REFERENDUM ON [ <i>specify: the neighbourhood plan / neighbourhood development order</i> ] FOR [ <i>specify name of neighbourhood area</i> ]
You have been named to vote on behalf of [ <i>insert name of business vote holder</i> ]
1. When you go to the polling station, tell your clerk that you wish to vote as the named voter for the person shown above. The clerk will confirm your details on the register. 2. When you are given your ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the answer of your choice. 3. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted. 4. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement. 5. Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.
If you will be away on the date of the poll- <ul style="list-style-type: none"> <li>• You can apply to vote by post. Your application form must be received before 5 p.m. on [<i>-11 day/date deadline</i>]</li> </ul>
To change any of your voting arrangements please contact [ <i>helpline number</i> ] as soon as possible.
Issued by the Counting Officer



*Form 7 – Form of directions for the guidance of the named voters in voting*

**GUIDANCE FOR VOTERS**

1. When you are given your ballot paper go to one of the polling booths.
2. Mark a cross (X) in the box on the right hand side of the answer of your choice.
3. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.
4. Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote.
5. Put the ballot paper in the ballot box and leave the polling station.
6. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.

*Form 8 – Form of Certificate of Employment*

BUSINESS REFERENDUM ON [*specify: the neighbourhood plan / neighbourhood development order*] FOR [*specify name of neighbourhood area*]

I certify that (name) ..... who is voting on behalf of the business vote holder numbered ..... in the business voting register cannot reasonably be expected to go in person to the polling station allotted to him or her at the business referendum [*date of poll*] by reason of the particular circumstances of his or her employment on that date for a purpose connected with the referendum –

\*(a) as a constable

\*(b) by me

Signature .....

\*Counting Officer/Police Officer (Inspector or above)

Date .....

\* Delete whichever is inappropriate

Note: the person named above is entitled to vote at any polling station of the area on production and surrender of this certificate to the presiding officer.

*Form 9 – Form of declaration to be made by the companion of a named voter with disabilities*

BUSINESS REFERENDUM ON [specify: the neighbourhood plan / neighbourhood development order] FOR [specify name of neighbourhood area]

I, ..... (name of companion), of ..... (address of companion) having been requested to assist ..... (name of named voter) who is voting on behalf of the business vote holder whose number on the business voting register is ..... to record their vote at the business referendum now being held, hereby declare that-

I have not previously assisted any other voter with disabilities [except ..... (name of other named voter) of ..... (address of other named voter)] to vote at the said referendum, and

- I am capable of being a named voter in the business referendum, or
- I am the ..... [relationship of the companion to the named voter] of the named voter and have attained the age of 18 years, and

Signed ..... (Companion)

Date .....

I, the undersigned, being the presiding officer for ..... (polling station) hereby certify that the above declaration, having first been read to the companion specified above, was signed by the companion in my presence.

Signed ..... (Presiding Officer)

Date .....

Time ..... (am/pm)

NOTE

1. If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he or she will be guilty of an offence.

2. A named voter with disabilities is a person who has made a declaration under the Neighbourhood Planning Business Referendums Rules that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote without assistance.

”

## “SCHEDULE 8

Application, with Modification, of other Acts and Subordinate  
Legislation in respect of Business Referendums

**Table 1**

Representation of the People Act 1983

<i>Provision</i>	<i>Modification</i>
Section 35(4) (appointments by returning officers)	
Section 36(4) and (6) (returning officer's expenditure at local elections)(a)	In subsection (4)— (a) for the words from “by a returning officer” to “London borough)” substitute “by the counting officer for a relevant council in relation to the holding of a business referendum”; and (b) for the words “the council for that area” substitute “that council”.
	In subsection (6) for the words from the beginning to “councillor, the council” substitute “Before a poll is taken at such a business referendum as is referred to in subsection (4), the authority”.
	The first reference in subsection (6) to the council who appointed the returning officer must be construed as a reference to the council who appointed the returning officer, but other references to the returning officer must be construed as references to the counting officer.
Section 47 (loan of equipment for local elections)(b)	
Section 49(5)(except (5)(b)(iii)), and (6) (effect of registers)(c)	In subsection (5) for the words from “parliamentary or local government elector” to “list of proxies” substitute “named voter”, and omit “prevent the rejection of a vote on a scrutiny, or”.
	In subsection (5)(b)(iv) for the words “a local government elector” substitute “named voter”.
	In subsection (6) for sub-paragraphs (a) and (b) substitute “the date of the business referendum”.
Section 52(1) to (4)(d) (discharge of registration duties)	A reference to functions under the 1983 Act is construed as a reference to functions under these Regulations.

(a) Section 36(4) was amended by Schedule 17 to the Local Government Act 1985 (c. 51).

(b) Section 47 was amended by S.I. 1991/1728 and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(c) Section 49 was amended by paragraphs 2 and 7 of Schedule 1 to the Electoral Administration Act 2006 (c. 22), S.I. 1995/1948 and paragraph 12 of Schedule 1 to the Representation of the People Act 2000 (c. 2).

(d) Section 52 was amended by paragraph 71 of Schedule 4 to the Representation of the People Act 1985 (c. 50).



Section 54(1), (3) and (4)(a) (payment of expenses of registration)	A reference to functions under the 1983 Act is construed as a reference to functions under these Regulations.
Section 60 (personation)	In subsection (2) for the words “parliamentary or local government election” substitute “business referendum”.
	In subsection (2)(a) for the words “whether as an elector or as proxy” substitute “as a named voter”.
	In subsection (2)(b), in both cases where the word appears, for the word “proxy” substitute “a named voter”.
Section 61(1) and (3) to (7) (other voting offences)(b)	For subsection (1) substitute— “(1) A person (“P”) shall be guilty of an offence if— (a) P applies to vote as named voter (in person or by post) when subject to a legal incapacity, or (b) P nominates a person to be a named voter knowing that that person is subject to a legal incapacity to vote at the business referendum.
	For subsection (3) and (4) substitute— “(3) A person (“P”) shall be guilty of an offence if— (a) P votes as a named voter for the same business vote holder more than once in the same business referendum, or (b) P votes in person as named voter for a business vote holder at a business referendum at which he is entitled to vote by post as named voter for that business vote holder. (4) A person (“P”) shall also be guilty of an offence if he votes as named voter for more than two business vote holders.”
	For subsection (6A) substitute— “(6A) A person is not guilty of an offence under subsection (3)(b) only by reason of that person having marked a tendered ballot paper in pursuance of rule 57 of the Neighbourhood Planning Business Referendums Rules”.
Section 62A (except (4) and (6)) (offences relating to applications for postal and proxy votes)(c)	In subsection (1)(a) after “election” insert “or business referendum”.

- 
- (a) Section 54 was amended by paragraph 14 of Schedule 4 to the Representation of the People Act 1985 (c. 50).  
(b) Section 61 was amended by paragraph 2 of Schedule 2, and Schedule 5, to the Representation of the People Act 1985 (c. 50), paragraph 10 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), paragraph 83 of Schedule 27 to the Civil Partnership Act 2004 (c. 33) and section 38(3) of the Electoral Administration Act 2006 (c. 22).  
(c) Section 62A was inserted by section 40 of the Electoral Administration Act 2006 (c. 22).

	<p>For subsection (2) substitute—</p> <p>“(2) These are the acts—</p> <p>(a) completing a voting choices form as some other person (whether that other person is living or dead or is a fictitious person);</p> <p>(b) otherwise making a false statement in, or in connection with, a registration response form;</p> <p>(c) inducing the business registration officer or counting officer to send a postal ballot paper or any communication relating to a postal vote to an address which has not been agreed to by the named voter;</p> <p>(d) causing any communication relating to a postal vote or containing a postal ballot paper not to be delivered to the intended recipient”.</p>
Section 63 (breach of official duty)(a)	<p>In subsection (3) for the words “parliamentary or local government elections or the registration of parliamentary or local government electors” substitute “business referendums or the registration of business vote holders for the purposes of a business referendum”.</p>
	<p>In subsection (4)(a) after the words “for an election” insert “or a business referendum”.</p>
Section 65 (tampering with ballot papers, etc)(b)	<p>In subsection (1)—</p> <p>(a) after “election”, in the first place it occurs, insert “or business referendum”, and</p> <p>(b) omit paragraph (a).</p>

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- (a) Section 63 was substituted by paragraph 19 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by S.I. 2001/1149, sections 7, 41(8) and 46(6) of the Electoral Administration Act 2006 (c.22) and sections 25(a) and 39 of, and Schedule 7 to, the Political Parties and Elections Act 2009 (c. 12).
- (b) Section 65 was amended by paragraph 2 of Schedule 3 to the Representation of the People Act 1985 (c. 50) and paragraphs 69, 72 and 96 of Schedule 1 to the Electoral Administration Act 2006 (c. 22)

<p>Section 66 (except (7) and (8)) (requirement of secrecy)(a)</p>	<p>For subsections (1) to (4) substitute—</p> <p>(1) The following persons—</p> <p>(a) every counting officer and every presiding officer or clerk attending at a polling station,</p> <p>(b) every polling observer so attending,</p> <p>(c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000, shall maintain and aid in the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—</p> <p>(i) the name of any named voter who has or has not applied for a ballot paper or voted at a polling station;</p> <p>(ii) the number on the business voting register of any business vote holder who has or has not applied for a ballot paper or voted at a polling station; or</p> <p>(iii) the official mark.</p>
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(a) Section 66 was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50), paragraph 11 of Schedule 3 to the Greater London Authority Act 1999 (c.29) and paragraphs 69, 82, 86 and 96 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

	<p>(2) Every person so attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—</p> <p>(a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;</p> <p>(b) communicate any information obtained at the counting of the votes as to the answer for which any vote is given on any particular ballot paper.</p> <p>(3) No person shall—</p> <p>(a) interfere with or attempt to interfere with a named voter when recording a vote;</p> <p>(b) otherwise obtain or attempt to obtain in a polling station information as to the answer for which a named voter in that station is about to vote or has voted;</p> <p>(c) communicate at any time to any person any information obtained in a polling station as to the answer for which a named voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a named voter at that station;</p> <p>(d) directly or indirectly induce a named voter to display their ballot paper after they have marked it so as to make known to any person the answer for which they have or have not voted.</p> <p>(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for named voters voting by post must maintain and aid in maintaining the secrecy of the vote and shall not—</p> <p>(a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or</p> <p>(b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person;</p> <p>(c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or</p> <p>(d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the answer for which any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.</p>
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Section 66A (prohibition of exit polls)(a)	In subsection (2) omit the “and” preceding paragraph (b) and after that paragraph insert— “; and (c) a business referendum.”.
Section 92 (broadcasting from outside the United Kingdom)(b)	In subsection (1) after “local government election” insert “or business referendum”.
Section 94 (imitation poll cards)(c)	In subsection (1) after “local government election” insert “or business referendum”.
	In subsection (2)— (a) after “local government elections” insert “or business referendum”, (b) after “section 42 above” insert “, or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990,”, and (c) after “the rules”, insert “or, as the case may be, the regulations”.
Section 96 (schools and rooms for local election meetings)(d)	For subsections (1) to (4) substitute— “(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 business referendum, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies. (2) In subsection (1), “the campaign period” means the period between the last day on which notice of the business referendum may be published in accordance with these Regulations and the day before the date of the business referendum.

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- (a) Section 66A was inserted by paragraphs 3 and 6 of Schedule 6 to the Representation of the People Act 2000 (c. 2)
- (b) Section 92 was amended by paragraph 35 of Schedule 20 to the Broadcasting Act 1990 (c. 42) and paragraph 61 of Schedule 17 to the Communications Act 2003 (c. 21).
- (c) Section 94 was amended by paragraph 36 of Schedule 4 to the Representation of the People Act 1985 (c. 50).
- (d) Section 96 was substituted by paragraph 38 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by paragraph 11 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31) and paragraph 29 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

	<p>(3) This section applies to any meeting room situated in the area of a relevant council, the expense of maintaining which is payable by a local authority.</p> <p>(4) Subsections (4), (5) and (7) of section 95 shall apply for the purposes of this section as it applies to that section, except that a reference to a candidate is construed as a reference to a person.</p> <p>(5) The lists maintained by a county council, district council or London borough council of meeting rooms which candidates at a parliamentary election in any constituency are entitled to use shall have effect for the purposes of the business referendum; and any person shall, before the business referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.”</p>
Section 97 (disturbances at election meetings)(a)	<p>For subsection (2) substitute—</p> <p>“(2) This section applies to a meeting in connection with a business referendum held during the campaign period.</p> <p>(2A) In subsection (2) “the campaign period” means the period between the last day on which notice of the business referendum may be published and the day before the date of the business referendum.”.</p>
Section 100(1) and (2) (illegal canvassing by police officers)(b)	<p>In subsection (1) for the words from “from giving his vote” to the end substitute “from giving their vote in a referendum under Schedule 4B to the Town and Country Planning Act 1990 in relation to a referendum area wholly or partly within the police area”.</p>
Section 109 (payments for the exhibition of election notices)	
Section 110 (details to appear on election publications)(c)	
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Section 113 (bribery)(d)	
Section 114 (treating)	
Section 115 (undue influence)(e)	
Section 116 (rights of creditors)	Omit paragraphs (b) and (c).
Section 118 (interpretation of Part 2)(f)	

- (a) Section 97 was amended by paragraph 39 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and Part 1 of Schedule 7 to the Police and Criminal Evidence Act 1984 (c. 60).
- (b) Section 100(2) was amended by paragraph 5 of Schedule 3 to the Representation of the People Act 1985 (c. 50).
- (c) Section 110 was substituted by paragraphs 1 and 14 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (d) Section 113 was amended by paragraph 30 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).
- (e) Section 115 was amended by section 39(1) of the Electoral Administration Act 2006 (c. 22).
- (f) Section 118 was amended by paragraph 43 of Schedule 4 to the Representation of the People Act 1985 (c. 50), section 135 of, and paragraphs 1 and 15 of Schedule 18 to, the Political Parties, Elections and Referendums Act 2000 (c. 41) and paragraphs 104, 119 and 133 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

Section 119 (computation of time for purposes of Part 2)(a)	In subsection (1)(b) after “disregarded” insert “; and (c) in computing any period referred to in section 96(2) or 97(2A), as applied for the purposes of a business referendum under Schedule 4B to the Town and Country Planning Act 1990, any of the days so mentioned shall be disregarded.”
Section 167 (application for relief)(b)	In subsection (1) omit the words “or an election court”.
Section 168 (prosecutions for corrupt practices)(c)	
Section 169 (prosecutions for illegal practices)(d)	
Section 170 (conviction of illegal practices on charge of corrupt practice etc)	
Section 173 (incapacities)(e)	In subsection (1)(a)(i) after “Great Britain” insert “or being named to vote or voting as a named voter in a business referendum”.
Section 175 (illegal payments etc)(f)	Omit subsection (2).
Section 176 (time limit for prosecutions)	
Section 177 (summary trial)	For “the election under the local government Act” substitute “the business referendum”; In subsection (1)(a) for the words from “in the county” to “adjoins” substitute “for the referendum area in which the offence is alleged to have been committed”.
Section 178 (prosecution of offences committed outside the United Kingdom) (g)	
Section 179 (offences by association)	
Section 181 (Director of Public Prosecutions)(h)	
Section 185 (interpretation of Part 3)(i)	
Section 199B (translations of certain documents)(j)	The reference to the requirements of a sample copy is construed as a reference to the requirements set out in the Neighbourhood Planning Business Referendums Rules.

- (a) Section 119 was amended by section 19(4) of the Representation of the People Act 1985 (c. 50) and paragraphs 49 and 51(1) of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
- (b) Section 167 was amended by paragraph 56 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and paragraph 18 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (c) Section 168 was amended by paragraph 8 of Schedule 3 to, and paragraph 57 of Schedule 5 to, the Representation of the People Act 1985 (c. 50) and paragraphs 104 and 121 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
- (d) Section 169 was amended by paragraph 9 of Schedule 3 to the Representation of the People Act 1985 (c. 50).
- (e) Section 173 was substituted by section 136 of the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (f) Section 175 was amended by paragraph 10 of Schedule 3 to the Representation of the People Act 1985 (c. 50) and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (g) Section 178 was substituted by paragraph 62 of Schedule 4 to the Representation of the People Act 1985 (c. 50).
- (h) Section 181 was amended by paragraph 63 of Schedule 4 to the Representation of the People Act 1985 (c. 50).
- (i) Section 185 was amended by paragraph 10 of Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and paragraphs 86 and 87 of Schedule 6 to the Licensing Act 2003 (c. 17).
- (j) Section 199B was inserted by section 36 of the Electoral Administration Act 2006 (c.22).

Section 200(1A) and (2) (public notices, and declarations)(a)	
Section 202 (interpretation)(b)	Before subsection (2) insert— (1A) Any term used in this Act which is defined in the Neighbourhood Planning (Referendums) Regulations 2012 shall have the meaning given to it by those Regulations.

**Table 2**

Representation of the People Act 2000(c)

<i>Provision</i>	<i>Modification</i>
Section 10 (pilot schemes for local elections in England and Wales)(d)	In subsection (2)— (a) after “Representation of the People Acts”, insert “or the Town and Country Planning Act 1990”, and (b) in paragraph (c) for “candidates” substitute “any campaign organiser within the meaning of regulation 6”.
	In subsection (3)— (a) in paragraph (b) for “candidates” substitute “campaign organisers”, and (b) for “section 75(1) of the 1983 Act (restriction on third party election expenditure)” substitute “regulation 6”.
	Omit subsection (4).
	At the end of subsection (7)(a) insert “or the Town and Country Planning Act 1990”.

**Table 3**

Political Parties, Elections and Referendums Act 2000(e)

<i>Provision</i>	<i>Modification</i>
Section 6A (attendance of representatives of Commission at elections etc)	After subsection (1)(b) insert— “(c) proceedings relating to a business referendum under Schedule 4B to the Town and Country Planning Act 1990 which are the responsibility of the counting officer”.

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- (a) Section 202 was amended by Part 1 of Schedule 2 and paragraph 70 of Schedule 4 to the Representation of the People Act 1985 (c.50), the Statute Law (Repeals) Act 1983 (c.50), S.I. 1995/1948, the Schedule to the Law Officers Act 1997 (c.60), paragraph 38 of Schedule 3 to the Greater London Authority Act 1999 (c.29), paragraph 22 of Schedule 1 and paragraphs 3 and 9 of Schedule 6 to the Representation of the People Act 2000 (c.2), paragraph 19 of Schedule 18 and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41), S.I. 2001/1149 and section 73 and paragraphs 13, 76 and 128 of Schedule 1 to the Electoral Administration Act 2006 (c.22).
- (b) Section 175 was amended by paragraph 10 of Schedule 3 to the Representation of the People Act 1985 (c.50) and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41).
- (c) 2000 c. 2.
- (d) Section 10 was amended by paragraphs 6 and 16 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (e) 2000 c. 41. All the provisions mentioned in this table were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).



Section 6B (observation of working practices by representatives of Commission)	After subsection (2) insert— “(2A) A representative of the Commission may also observe the working practices of a counting officer at a business referendum under Schedule 4B to the Town and Country Planning Act 1990, and any person acting under the counting officer’s direction.”
Section 6C (accredited observers: individuals)	After subsection (1) after “applies” insert “or which is held under Schedule 4B to the Town and Country Planning Act 1990
Section 6D (accredited observers: organisations)	After subsection (1) after “applies” insert “or which is held under Schedule 4B to the Town and Country Planning Act 1990”.
Section 6E (attendance and conduct of observers)	“After subsection (4)(c) insert— (ca) in the case of any other proceedings at a business referendum under Schedule 4B to the Town and Country Planning Act 1990, the counting officer;”.

**Table 4**

Electoral Administration Act 2006(a)

<i>Provision</i>	<i>Modification</i>
Section 42 (access to other election documents)	In subsection (1)(b) for “election documents” substitute “business referendum documents”.
Section 43 (access to other election documents: contravention of regulations)	In subsection (1)(a) after “section 42”, insert “as applied by the Neighbourhood Planning (Referendums) Regulations 2012.
Section 44 (access to other election documents: supplementary)	In subsection (3)(b) for the words “such registration officer as the Secretary of State by order appoints”, insert “the business registration officer of the relevant council or where the referendum area comprises the areas of two or more councils, the returning officer of the relevant council in whose portion of the referendum area the greater or greatest (as the case may be) number of local government electors are registered”. In subsection (5) for the words “election documents” to “Northern Ireland)” substitute “business referendum documents are such documents relating to a business referendum”.
Section 46 (returning officers: correction of procedural errors)	Omit subsection (6).”

(a) 2006 c. 22.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the conduct of additional “business referendums” held under paragraph 12(4) of Schedule 4B to the Town and Country Planning Act 1990 (“the 1990 Act”). These Regulations only apply in relation to England. The business referendums will relate to the question of whether a neighbourhood development plan or a neighbourhood development order is approved. Provision is made by amending the Neighbourhood Planning (Referendums) Regulations 2012<sup>(a)</sup> (“the Referendums Regulations”). Additional referendums are provided for in paragraph 15 of Schedule 4B and are required for a neighbourhood area which has been designated as a business area and are in addition to the residential referendum for the area.

Regulation 3 inserts definitions of “business referendum” and “residential referendum” into regulation 2 (Interpretation) of the Referendums Regulations.

Regulation 4 amends regulation 4 (Information to be made available in relation to referendums) of the Referendums Regulations. In particular it provides that information must be published in connection with a referendum and a business referendum in a designated business area not fewer than 56 days before the date it is held.

Regulation 5 amends regulation 6 (General restriction on referendum expenses) of the Referendums Regulations by modifying the formula for referendum expenses where there is a business referendum.

Regulation 6 amends regulation 8 (Conduct of referendum: poll at referendum not take together with poll at relevant election or referendum), 11 (Cross-boundary referendum areas and the Chief Counting Officer) and 12 (Combination of polls: conduct of referendum) of the Referendums Regulations so that a business referendum cannot be combined with any other election or referendum (including the residential neighbourhood planning referendum (“corresponding residential referendum”)).

Regulation 7 inserts regulation 17 (Business referendums) and Schedules 6, 7 and 8 into the Referendums Regulations. Regulation 17 provides in particular that a business referendum must be held on the same day as the corresponding residential referendum.

Regulation 8 amends Schedule 3 of the Referendums Regulations to correct an error in those Regulations and to make the correct provision for the mode by which a legal challenge may be brought in relation to a referendum held under paragraph 14 of Schedule 4B to the 1990 Act.

Schedule 6 sets out the rules for the business voting register. In particular the Schedule makes provision for obtaining data from the business rates records held by local authorities, sending out invitations to register, compilation, publication and supply of the business voting register, alteration of the business voting register and appeals.

Schedule 7 sets out the rules which apply to the conduct of business referendums. These rules are based closely on the rules for conduct of referendums set out in Schedule 3 to the Referendums Regulations.

Schedule 8 sets out the election legislation which is to apply to business referendums, and how that legislation is modified, namely the Representation of the People Act 1983<sup>(b)</sup>, Representation of the People Act 2000<sup>(c)</sup>, Political Parties, Elections and Referendums Act 2000<sup>(d)</sup> and the Electoral Administration Act 2006<sup>(e)</sup>.

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- (a) S.I. 2012/2031.
  - (b) 1983 c. 2.
  - (c) 2000 c. 2.
  - (d) 2000 c. 41.
  - (e) 2006 c. 22.







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