
STATUTORY INSTRUMENTS

2012 No. 2031

The Neighbourhood Planning (Referendums) Regulations 2012

Conduct of referendum: poll at referendum not taken together with poll at relevant election or referendum

8.—(1) This regulation applies, in relation to the [^{F1}residential] referendum, where the poll is not taken together with the poll at a relevant election.

(2) The referendum is to be conducted in accordance with the Neighbourhood Planning Referendums Rules (set out in Schedule 3).

(3) The enactments mentioned Tables 1 to 6 of Schedule 4 have effect in relation to the referendum, subject to—

(a) unless the context otherwise requires, the general modifications specified in paragraph (4), and

(b) the modifications specified in those Tables.

(4) The general modifications are—

(a) a reference to an election must be construed as a reference to the referendum;

(b) a reference to a returning officer must be construed as a reference to the counting officer;

(c) 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;

(d) 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;

(e) 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;

(f) 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 referendum;

(g) references to nomination papers and, except as mentioned in sub-paragraphs (e) and (f), references to candidates, are ignored;

(h) a reference to the return of a person must be construed as a reference to a particular result in the referendum;

(i) a reference to a person voting as an elector must be construed as a person voting on their own behalf;

(j) a reference to a person's entitlement as an elector to an absent vote must be construed as a reference to a person's entitlement to vote by post on their own behalf or to vote by proxy;

(k) 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;

(l) 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;

(m) a form which is required to be used may be used with such variations as the circumstances require;

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to The Neighbourhood Planning (Referendums) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (n) 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 relevant registration officer appointed under section 8 or 203(4) of the 1983 Act ^{M1}, and for the purpose of the exercise of a registration officer's functions in relation to the referendum, section 52(1) to (4) (discharge of registration duties) and section 54(1), (3) and (4) (payment of expenses of registration) of that Act have effect;
- (o) 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;
- (p) so much of any provision as applies to an election petition is ignored;
- (q) so much of any provision as applies only in Scotland, Wales or Northern Ireland is ignored.

F1 Word in reg. 8(1) inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **6(1)**

Marginal Citations

M1 1983 c.2. The relevant amendments to which are: section 11(4) of the [Parliamentary Voting System and Constituencies Act 2011 \(c.1\)](#), **paragraphs 12, 14** and 71 of Schedule 4 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 \(c. 41\)](#).

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 rule 22(1)(ba) inserted by [S.I. 2023/1225 reg. 9\(2\)\(a\)](#)
- Sch. 3 rule 37(3)(e) and word inserted by [S.I. 2023/1225 reg. 9\(2\)\(b\)\(ii\)](#)
- Sch. 3 rule 25 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 28\(2\)\(3\)](#)
- Sch. 3 rule 37(3)(c) word omitted by [S.I. 2023/1225 reg. 9\(2\)\(b\)\(i\)](#)
- Sch. 3 rule 25(1)(b) words inserted by [S.I. 2023/1147 reg. 18\(3\)\(a\)](#)
- Sch. 3 rule 25 table words omitted by [S.I. 2023/1147 reg. 18\(3\)\(b\)\(ii\)](#)
- Sch. 3 rule 25 table words substituted by [S.I. 2023/1147 reg. 18\(3\)\(b\)\(i\)](#)
- Sch. 3 rule 25(2) words substituted by [S.I. 2023/1147 reg. 18\(3\)\(c\)](#)
- Sch. 5 rule 22(1)(ba) inserted by [S.I. 2023/1225 reg. 9\(4\)\(b\)](#)
- Sch. 5 rule 37(5)(e) and word inserted by [S.I. 2023/1225 reg. 9\(4\)\(c\)\(ii\)](#)
- Sch. 5 rule 25 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 28\(2\)\(3\)](#)
- Sch. 5 rule 37(5)(c) word omitted by [S.I. 2023/1225 reg. 9\(4\)\(c\)\(i\)](#)
- Sch. 5 rule 25(1)(b) words inserted by [S.I. 2023/1147 reg. 18\(7\)\(a\)](#)
- Sch. 5 rule 25 table words omitted by [S.I. 2023/1147 reg. 18\(7\)\(b\)\(ii\)](#)
- Sch. 5 rule 25 table words substituted by [S.I. 2023/1147 reg. 18\(7\)\(b\)\(i\)](#)
- Sch. 5 rule 25(2) words substituted by [S.I. 2023/1147 reg. 18\(7\)\(c\)](#)
- Sch. 5 rule 18(10) words substituted by [S.I. 2023/1225 reg. 9\(4\)\(a\)](#)
- Sch. 7 rule 27(3A) inserted by [S.I. 2023/1225 reg. 9\(5\)\(b\)\(ii\)](#)
- Sch. 7 rule 27A-27D inserted by [S.I. 2023/1225 reg. 9\(5\)\(c\)](#)
- Sch. 7 rule 30A-30E inserted by [S.I. 2023/1225 reg. 9\(5\)\(e\)](#)
- Sch. 7 rule 41(1)(g) inserted by [S.I. 2023/1225 reg. 9\(5\)\(f\)](#)
- Sch. 7 rule 49(1)(ba) inserted by [S.I. 2023/1225 reg. 9\(5\)\(h\)](#)
- Sch. 7 rule 64(3)(e) and word inserted by [S.I. 2023/1225 reg. 9\(5\)\(i\)\(ii\)](#)
- Sch. 7 rule 27(5) substituted by [S.I. 2023/1225 reg. 9\(5\)\(b\)\(iv\)](#)
- Sch. 7 rule 64(3)(c) word omitted by [S.I. 2023/1225 reg. 9\(5\)\(i\)\(i\)](#)
- Sch. 7 rule 2(1) words inserted by [S.I. 2023/1225 reg. 9\(5\)\(a\)](#)
- Sch. 7 rule 27(3) words inserted by [S.I. 2023/1225 reg. 9\(5\)\(b\)\(i\)\(bb\)](#)
- Sch. 7 rule 27(4) words inserted by [S.I. 2023/1225 reg. 9\(5\)\(b\)\(iii\)](#)
- Sch. 7 rule 42(1)(a) words inserted by [S.I. 2023/1225 reg. 9\(5\)\(g\)](#)
- Sch. 7 rule 27(3) words substituted by [S.I. 2023/1225 reg. 9\(5\)\(b\)\(i\)\(aa\)](#)
- Sch. 7 rule 30 words substituted by [S.I. 2023/1225 reg. 9\(5\)\(d\)](#)