

## SCHEDULE 4

### Application, with Modification, of other Acts and Subordinate Legislation

## PART 1

Table 1

### Representation of the People Act 1983

<i>Provision</i>	<i>Modification</i>
[ <sup>F1</sup> Section 13AB (alteration of registers: interim publication dates)	After “election” in each place, insert “or referendum”.  After subsection (8) insert— “(8A) This section also applies to referendums.”]
Section 13B (alteration of registers: pending elections) M1	After “election”, in each place, substitute “ or referendum ”.  After subsection (4) insert— “(4A) This section also applies to referendums.”.
Section 31 (polling districts and stations at local government elections) M2	In subsection (1)— (a) for “elections of county councillors” substitute “ referendums by or in respect of a county ”, and (b) for “elections of London borough or district councillors” substitute “ referendums by or in respect of a London borough or district ”.  In subsection (3) for “local government elections” substitute “ referendums ”.
Section 35(4) (appointments by returning officers)	
Section 36(4) and (6) (returning officer's expenditure at local elections) M3	In subsection (4)— (a) for the words from “by a returning officer” to “London borough” substitute “ by a counting officer for a relevant council in relation to the holding of a 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 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

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	references to the returning officer must be construed as references to the counting officer.
Section 47 (loan of equipment for local elections) M4	In subsection (1) for “the returning officer at a local government election” substitute “ the counting officer at a referendum ”.  In subsection (2) for “an election held under those Acts” substitute “ a referendum ”.
Section 49(4) to (5) F2	In subsection (5) omit “prevent the rejection of the vote on a scrutiny, or”.
... (effect of registers) M5	
Section 60 (personation)	In subsection (2)— (a) omit “parliamentary or”; and (b) after “local government election” insert “ or referendum ”.
Section 61 (other voting offences) M6	In subsection (1) after “local government election” and “local government elections”, in each place, insert “ or referendum ” or “or referendums” respectively.  For subsections (2) to (4) substitute— “(2) A person (“V”) shall be guilty of an offence if— (a) V votes on V's own behalf otherwise than by proxy more than once in the same referendum; or (b) V votes on V's own behalf in person and is entitled to vote by post, or (c) V votes on V's own behalf in person knowing that a person appointed to vote as V's proxy has already voted in person or is entitled to vote by post, or (d) V applies for a person to be appointed as V's proxy to vote for V without applying for the cancellation of a previous appointment of a third party then in force or without withdrawing a pending application for such an appointment. (3) A person (“P”) shall be guilty of an offence if— (a) P votes as proxy for the same person more than once in the same referendum; or (b) P votes in person as proxy for a person and is entitled to vote by post as proxy for someone whom P already knows to have voted in person. (4) A person (“R”) shall also be guilty of an offence if R votes as proxy in any referendum for more than two persons of whom R is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.”.

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	<p>[<sup>F3</sup>In subsection (6ZB), for “(2)(a)(i), (2A)(a) to (c), (3)(a)(i) and (3A)(a) to (c)” substitute “(2)(a) and (3)(a)”.]</p> <p>For subsection (6A) substitute—</p> <p>“(6A) A person is not guilty of an offence under subsection (2)(b) only by reason of that person having marked a tendered ballot paper in pursuance of rule 30 of the Neighbourhood Planning Referendums Rules or rule 30 of the Neighbourhood Planning Referendums (Combination of Polls) Rules (as the case may be).”.</p>
Section 62A (offences relating to applications for postal and proxy votes) M7	In subsection (1)(a) after “election” insert “ or referendum ”.
Section 63 (breach of official duty) M8	<p>In subsection (3) after “local government election” and “local government elections”, in each place insert “ or referendum ” or “in referendums” respectively.</p> <p>In subsection (4)(a) after “election” insert “ or referendum ”.</p>
Section 65 (tampering with ballot papers, etc) M9	<p>In subsection (1)—</p> <p>(a) after “election”, in the first place it occurs, insert “ or referendum ”, and</p> <p>(b) omit paragraph (a).</p> <p>In subsection (3) for “clerk” substitute “ person ”.</p>
Section 66 (requirement of secrecy) M10	<p>For subsection (1)(b) substitute—</p> <p>“(b) every polling observer, so attending.”.</p>
Section 66A (prohibition of exit polls) M11	<p>In subsection (2) omit the “and” preceding paragraph (b) and after that paragraph insert—</p> <p>“; and</p> <p>(c) any referendum.”.</p>
Section 92 (broadcasting from outside the United Kingdom) M12	In subsection (1) after “local government election” insert “ or referendum ”.
Section 94 (imitation poll cards) M13	<p>In subsection (1) after “local government election” insert “ or referendum ”.</p> <p>In subsection (2)—</p> <p>(a) after “local government election” insert “or referendum,</p> <p>(b) after “section 36” insert “ above, or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”, and</p>

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	(c) after “the rules”, insert “ or, as the case may be, the regulations ”.
Section 96 (schools and rooms for local election meetings) M14	<p>For subsection (1) substitute—</p> <p>“(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 referendum under Schedule 4B to the Town and Country Planning Act 1990, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies. (1A) In subsection (1), “the campaign period” means the period between the last day on which notice of referendum may be published in accordance with regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 and the day before the date of the referendum.”.</p> <p>Omit subsection (2).</p> <p>In subsection (3) for the words from “electoral area for which” to “that electoral area” substitute “the area of the relevant council”.</p> <p>In subsection (4)—</p> <p>(a) omit the words “and paragraph 1(1) of Schedule 5 to this Act”,</p> <p>(b) after the words “that section” insert “subject to the substitution in subsection (5) of that section, for the word “ candidate ” of the word “person” ”, and</p> <p>(c) omit the words from “and any person” to the end.</p> <p>After subsection (4) insert—</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 referendum; and any person shall, before the referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.”.</p>
Section 97 (disturbances at election meetings) M15	<p>For subsection (2) substitute—</p> <p>“(2) This section applies to a meeting in connection with a referendum under Schedule 4B to the Town and Country Planning Act 1990 held during the campaign period. (2A) In subsection (2) “the campaign period” means the period between the last day on which notice of referendum may be published in accordance with regulations made under paragraph 16 of Schedule 4B to the Town and</p>

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	Country Planning Act 1990 and the day before the date of the referendum.”.
Section 100(1) and (2) (illegal canvassing by police officers) M16	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 ”.
Section 109 (payments for the exhibition of election notices)	
Section 110 (details to appear on election publications) M17	
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Section 113 (bribery) M18	
Section 114 (treating)	
Section 115 (undue influence) M19	
Section 116 (rights of creditors)	Omit paragraphs (b) and (c).
Section 118 (interpretation of Part 2) M20	
Section 119 (computation of time for purposes of Part 2) M21	In subsection (1)(b) after “disregarded” insert “; and (c) in computing any period referred to in section 96(1A) or 97(2A), as applied for the purposes of a referendum under Schedule 4B to the Town and Country Planning Act 1990, any of the days so mentioned shall be disregarded.”
Section 168 (prosecutions for corrupt practices) M22	
Section 169 (prosecutions for illegal practices) M23	
Section 170 (conviction of illegal practices on charge of corrupt practice etc)	
Section 173 (incapacities) M24	In subsection (1)(a)(i) after “Great Britain” insert “ or at any referendum ”.
Section 175 (illegal payments etc) M25	Omit subsection (2).
Section 176 (time limit for prosecutions)	

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## Section 177 (summary trial)

For “the election under the local government Act” substitute “ the referendum under Schedule 4B to the Town and Country Planning Act 1990 ”;

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)

M26

## Section 179 (offences by association)

## Section 181 (Director of Public Prosecutions)

M27

## Section 185 (interpretation of Part 3)

M28

## Section 199B (translations of certain documents)

M29

## Section 200(1A) and (2) (public notices, and declarations)

M30

## Section 202 (interpretation)

M31

- F1** Words in Sch. 4 Pt. 1 Table 1 inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **9(1)** (with reg. 1(7))
- F2** Words in Sch. 4 Table 1 omitted (10.6.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(4), **9(2)**; S.I. 2014/414, art. 5(m)
- F3** Words in Sch. 4 Pt. 1 Table 1 inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **65(2)** (with reg. 1(6)(7))

**Marginal Citations**

- M1** Section 13B was inserted by paragraphs 1 and 6 of Schedule 1 to the [Representation of the People Act 2000 \(c.2\)](#) and amended by section 11 of the [Electoral Administration Act 2006 \(c.41\)](#).
- M2** Section 31 was amended by Schedule 17 to the [Local Government Act 1985 \(c.50\)](#), **paragraphs 1** and 2 of Schedule 3 to the [Greater London Authority Act 1999 \(c.29\)](#) and paragraphs 104 and 108 of Schedule 1 to the [Electoral Administration Act 2006 \(c. 22\)](#).
- M3** Section 36(4) was amended by Schedule 17 to the [Local Government Act 1985 \(c.51\)](#).
- M4** Section 47 was amended by [S.I. 1991/1728](#) and paragraph 6 of Schedule 21 to the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#).
- M5** 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 \(c.2\)](#).
- M6** 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 \(c.22\)](#).
- M7** Section 62A was inserted by section 40 of the [Electoral Administration Act 2006 \(c.22\)](#).

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- M8** 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 \(c.12\)](#).
- M9** 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 \(c.22\)](#)
- M10** 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 \(c.22\)](#).
- M11** Section 66A was inserted by paragraphs 3 and 6 of Schedule 6 to the [Representation of the People Act 2000 \(c.2\)](#)
- M12** 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 \(c.21\)](#).
- M13** Section 94 was amended by paragraph 36 of Schedule 4 to the [Representation of the People Act 1985 \(c.50\)](#).
- M14** 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 \(c.29\)](#).
- M15** 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 \(c.60\)](#).
- M16** Section 100(2) was amended by paragraph 5 of Schedule 3 to the [Representation of the People Act 1985 \(c.50\)](#).
- M17** Section 110 was substituted by paragraphs 1 and 14 of Schedule 18 to the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#).
- M18** Section 113 was amended by paragraph 30 of Schedule 3 to the [Greater London Authority Act 1999 \(c.29\)](#).
- M19** Section 115 was amended by section 39(1) of the [Electoral Administration Act 2006 \(c.22\)](#).
- M20** 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 \(c.22\)](#).
- M21** 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 \(c.22\)](#).
- M22** 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 \(c.22\)](#).
- M23** Section 169 was amended by paragraph 9 of Schedule 3 to the [Representation of the People Act 1985 \(c.50\)](#).
- M24** Section 173 was substituted by section 136 of the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#).
- M25** 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 \(c.41\)](#).
- M26** Section 178 was substituted by paragraph 62 of Schedule 4 to the [Representation of the People Act 1985 \(c.50\)](#).
- M27** Section 181 was amended by paragraph 63 of Schedule 4 to the [Representation of the People Act 1985 \(c.50\)](#).
- M28** 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 \(c.17\)](#).
- M29** Section 199B was inserted by section 36 of the [Electoral Administration Act 2006 \(c.22\)](#).
- M30** 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](#)

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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).

**M31** 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).

**Table 2**

Representation of the People Act 1985 <sup>M32</sup>

<i>Provision</i>	<i>Modification</i>
Section 15 (combination of polls at parliamentary <sup>F4</sup> ... and local elections)	<p>After section 15(3) insert— “(3AA) Where the polls at one or more relevant elections are to be taken on the same date as a neighbourhood planning referendum, they may be taken together if the returning officer for each relevant election thinks fit.”.</p> <p>For section 15(4) substitute— “(4) Where polls at any relevant election and neighbourhood planning referendum are combined under this section the costs of taking the combined polls (excluding any cost solely attributable to one relevant election or the referendum) and any cost attributable to their combination shall be apportioned equally among the relevant elections and the neighbourhood planning referendum. (4A) In subsections (3AA) and (4)— “neighbourhood planning referendum” means a referendum under Schedule 4B to the Town and Country Planning Act 1990; “relevant election” has the meaning given in regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012.”.</p>

**F4** Word in Sch. 4 Table 2 omitted (31.12.2020) by virtue of The European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018 (S.I. 2018/1310), reg. 1, **Sch. 2 para. 13(3)(a)** (as amended by S.I. 2019/1389, regs. 1, **2(2)**)

**Marginal Citations**

**M32** 1985 c.50. Section 15 was amended by paragraph 7 of Schedule 7 to the Local Government Act 2003 (c.26) and section 3(2) of the Elections Act 2001 (c.1).

**Table 3**

Representation of the People Act 2000 <sup>M33</sup>

<i>Provision</i>	<i>Modification</i>
Section 10 (pilot schemes for local elections in England and Wales)	In subsection (2)—



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M34

(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 of the Neighbourhood Planning (Referendums) Regulations 2012 ”.

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 of the Neighbourhood Planning (Referendums) Regulations 2012 ”.

Omit subsection (4).

At the end of subsection (7)(a) insert “ or the Town and Country Planning Act 1990 ”.

Section 12 (changes relating to absent voting at elections in Great Britain)

In subsection (1) at the end insert “ ; and as regards referendums ”.

Schedule 4 (absent voting in Great Britain)  
M35

In paragraph 1(1), in the definition of “the appropriate rules” at the end of paragraph (b), insert—

“, and

(c) in the case of a referendum under Schedule 4B to the Town and Country Planning Act 1990, the Neighbourhood Planning Referendums Rules or the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be”.

In paragraphs 2 to 7, 7C and 7D, except in paragraphs 3(1), 3(2), 3(4)(a)(i), 6(7), 7(4)(a) and 7(6)(a)(i), after “local government election”, “local government elections”, “elections” and “election”, insert, as the context requires, “ or a referendum ”, “or referendums”, or “or the referendum”.

In paragraphs 3(1) and 3(2) for “or at both” substitute “ or at referendums or at any combination of such polls ”.

In paragraphs 3(4)(a)(i) and 7(6)(a)(i) for “or both” substitute “ or referendums, or at any combination of such polls ”.

In paragraphs 6(7) and 7(4)(a) for “or at both” substitute “ or at referendums, or at any combination of such polls ”.

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<b>Marginal Citations</b>	
<b>M33</b>	2000 c.2.
<b>M34</b>	Section 10 was amended by paragraphs 6 and 16 of Schedule 21 to the <a href="#">Political Parties, Elections and Referendums Act 2000 (c.41)</a> .
<b>M35</b>	Schedule 4 was amended by paragraph 164 of Schedule 27 to the <a href="#">Civil Partnerships Act 2004 (c.33)</a> , and section 5, 14, 35 and 38 of, and paragraphs 19, 20 and 137 of Schedule 1 to, the <a href="#">Electoral Administration Act 2006 (c.22)</a> .

**Table 4**

Political Parties, Elections and Referendums Act 2000 <sup>M36</sup>

<b>Provision</b>	<b>Modification</b>
Section 6A (attendance of representatives of Commission at elections etc)	After subsection (1)(b) insert— “(c) proceedings relating to a referendum under Schedule 4B to the Town and Country Planning Act 1990 which are the responsibility of the counting officer.”.
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 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)	In 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)	In 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)	For subsection (4)(c) substitute— “(c) in the case of any other proceedings at a referendum to which Part 7 applies, the relevant counting officer (within the meaning of section 6A); (ca) in the case of any other proceedings at a referendum under Schedule 4B to the Town and Country Planning Act 1990, the counting officer;”.
	In subsection (4)(d) for “or (c)” substitute “ , (c) or (ca) ”.

<b>Marginal Citations</b>	
<b>M36</b>	2000 c.41. All the provisions mentioned in this table were inserted by section 29 of the <a href="#">Electoral Administration Act 2006 (c.22)</a> .

**Table 5**

Electoral Administration Act 2006 <sup>M37</sup>

<i>Provision</i>	<i>Modification</i>
Section 42 (access to other election documents)	In subsection (1)(b) for “election documents” substitute “ 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 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 “ referendum documents are such documents relating to a referendum ”.  After subsection (7)(e) insert— “(f) in relation to a referendum under Schedule 4B to the Town and Country Planning Act 1990, the area in which the referendum takes place.”.
Section 46 (returning officers: correction of procedural errors)	After subsection (3)(b) insert— “(c) a referendum.”.  Omit subsection (6).
Section 69 (encouraging electoral participation)	In subsection (1) for “by electors in the electoral process” substitute “ in a referendum under Schedule 4B to the Town and Country Planning Act 1990 by those entitled to vote in the referendum ”.  After subsection (8)(b) insert— “(c) a counting officer at a referendum.”.

**Marginal Citations**

M37 2006 (c.22).

**Table 6**

The Representation of the People (England and Wales) Regulations 2001 <sup>M38</sup>

<i>Provision</i>	<i>Modification</i>
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Regulation 3 (interpretation)

At the end of paragraph (2)(b) insert—

“, or

(c) in the case of a referendum under Schedule 4B to the Town and Country Planning Act 1990, the corresponding rule in the Neighbourhood Planning Referendums Rules or the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be.”.

[<sup>F5</sup>Regulation 4(1)(b) (forms) and, in so far as it gives effect to Forms E and K in Schedule 3, Regulation 4(2)]

Regulation 5 (communication of applications, notices, etc)

Regulation 6 (electronic signatures and related certificates)

Regulation 7 (copies of documents)

Regulation 8 (time)

Regulation 11 (interference with notices)

Regulation 50 (interpretation of Part 4)

Regulation 51 (general requirements for an absent vote)

In paragraph (2)(c) for “the elector for whom he will act as proxy and the elector's” substitute “the voter for whom he will act as proxy and the voter's”.

For paragraph (4)(b) substitute—

“(b) whether it is made for all or any of parliamentary elections, local government elections or referendums.”.

In paragraph (5)—

(a) after “election”, in each place, insert “ or referendum ”, and

(b) omit “elections”.

Regulation 51A (additional provision concerning the requirement that an application for an absent vote must be signed by the applicant)

Regulation 51AA (additional requirement for applications for ballot papers to be sent to different address from that stated in the application)

Regulation 51B (additional requirements for applications for ballot papers to be sent to different address from that shown in the record kept under paragraph 3(4) or 7(6) of Schedule 4)

Regulation 52 (additional requirements for applications for the appointment of a proxy)

Regulation 55 (additional requirements for applications for a proxy vote in respect of a particular election)

[<sup>F6</sup>Regulation 55A (additional requirements for applications for an emergency proxy vote in respect of a particular election) [<sup>F7</sup>: grounds relating to occupation, service or employment]]

[<sup>F8</sup>Regulation 55B (additional requirements for application for an emergency proxy vote in respect of a particular election: grounds relating to voter identification)]

[<sup>F9</sup>Regulation 56 (closing dates for applications) In paragraphs (1) to (3A), after “election” in each place insert “or referendum”.  
In paragraph (3D), after “election” in the second and third places it occurs insert “or referendum”.  
In paragraphs (4) to (5A) and (7)(b), after “election” in each place insert “or referendum”.

Regulation 56A (grounds relating to voter identification) In paragraph (3)—  
in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;  
in sub-paragraph (b)(i) and (ii), after “election” insert “or referendum”.  
In paragraph (6)—  
in sub-paragraph (a), after “election” in the second place it occurs insert “or referendum”;  
in sub-paragraph (b), after “election” in the first place it occurs insert “or referendum”.]

Regulation 57 (grant or refusal of applications) In paragraph (5) after “election” insert “ or referendum ”

Regulation 58 (notice of appeal)

Regulation 59 (cancellation of proxy appointment)

[<sup>F6</sup>Regulation 60B (requirement to provide fresh signatures following rejection of a postal voting statement)]

Regulation 61B In paragraph (3)(a) for “any candidate or agent” substitute “ those ”.

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[ <sup>F6</sup> Regulation 61C (notification of a rejected postal voting statement)]	
Regulation 62 (marked register for polling stations)	
Regulation 64 (interpretation of Part 5)	Omit the definition of “agent”.
Regulation 65 (combination of polls)	<p>For regulation 65 substitute—</p> <p>“<b>65</b> Where the polls at elections or referendums are taken together under—</p> <p>(a) section 15(1), (2) or (3AA) of the 1985 Act (combination of polls at parliamentary<sup>F10</sup>... and local government elections),</p> <p>(b) section 36(3) or (3AB) of the 1983 Act (combination of polls at local elections), or</p> <p>(c) regulation 11 of the Neighbourhood Planning (Referendums) Regulations 2012,</p> <p>the proceedings at the issue and receipt of postal ballot papers may, if the returning and counting officers concerned agree, be taken together.”.</p>
Regulation 66 (form of postal voting statement)	Omit paragraph (a).
[ <sup>F6</sup> Regulation 67 (persons entitled to be present at proceedings on issue of postal ballot papers)]	
<p>Regulation 68 (persons entitled to be present at proceedings on the receipt of postal ballot papers)</p> <p>M39</p>	<p><i>Where the proceedings for the issue and receipt of postal ballot papers for a referendum under Schedule 4B to the Town and Country Planning Act 1990 are not taken together with the proceedings for the issue and receipt of postal ballot papers in one or more relevant election in accordance with regulation 65 of the Representation of the People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 68 has effect in relation to the referendum as follows:</i></p> <p>For paragraphs (a) to (d) substitute—</p> <p>“(a) the counting officer and that officer's clerks,</p> <p>(b) persons who by virtue of rule 36(2) (a) to (c) of the Neighbourhood Planning Referendums Rules or rule 36(3)(a) to (c) of the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes.”.</p> <p><i>Where the proceedings for the issue and receipt of postal ballot papers for a referendum under Schedule 4B to the Town and Country Planning Act 1990 are taken together with the proceedings for the issue and receipt of postal ballot papers at one or more relevant elections in accordance with regulation 65 of the Representation of the</i></p>

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*People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 68 has effect in relation to the referendum and each of the relevant elections as follows:*

After paragraph (d) insert—

“(e) the counting officer and that officer's clerks,  
(f) persons who by virtue of rule 36(2) (a) to (c) of the Neighbourhood Planning Referendums Rules or rule 36(3)(a) to (c) of the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes,

(g) persons who by virtue of rule 35(2)(a) to (d) of the Local Government Finance Act Referendums Rules or rule 37(3)(a) to (d) of the Local Government Finance Act Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes,

(h) persons who by virtue of rule 35(2)(a) to (e) of the Local Government Act Referendums Rules or rule 37(3)(a) to (e) of the Local Government Act Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes.”.

Regulation 69 (agents of candidates who may attend proceedings on receipt of postal ballot papers)

In paragraph (8) for “candidates or their agents” substitute “ persons entitled to be present by virtue of regulation 68 ”.

*Where the proceedings for the issue and receipt of postal ballot papers for a referendum under Schedule 4B to the Town and Country Planning Act 1990 are not taken together with the proceedings for the issue and receipt of postal ballot papers in one or more relevant election in accordance with regulation 65 of the Representation of the People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 69 has effect in relation to the referendum as follows:*

Omit paragraphs (1) to (7).

*Where the proceedings for the issue and receipt of postal ballot papers for a referendum under Schedule 4B to the Town and Country Planning Act 1990 are taken together with the proceedings for the issue and receipt of postal ballot papers at one or more relevant elections in accordance with regulation 65 of the Representation of the People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 69*

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*has effect in relation to the referendum and each of the relevant elections as follows:*

For paragraph (3) substitute—

“(3) Where postal ballot papers for more than one election or referendum are issued together by virtue of regulation 65, the references to the returning officer in paragraphs (2), (4) and (5) must be construed as references to the returning or counting officer who issues the postal ballot papers.”.

Regulation 70 (notification of requirement of secrecy)

Regulation 71 (time when postal ballot papers are to be issued)

Regulation 72 (procedure on issue of postal ballot paper)

In paragraph (5) after “one election” insert “ or referendum, or for an election combined with a referendum, ”.

In paragraph (5)(a)—

(a) after “elections” insert “ and referendums ”, and

(b) after “election” insert “ or referendum ”.

In paragraph (6) for “the poll at one election is taken with the poll at another election” substitute “ polls are taken together ”.

Regulation 73 (refusal to issue postal ballot paper)

Regulation 74 (envelopes)

Regulation 75 (sealing up of completed corresponding number lists and security of special lists)

Regulation 76 (delivery of postal ballot papers)

Regulation 77 (spoilt postal ballot papers)

In paragraph (2)(b) for “election” substitute “ poll ”.

Regulation 78 (lost postal ballot papers)

In paragraph (2A)(b) for “election” substitute “ poll ”.

[<sup>F6</sup>Regulation 78A (cancellation of postal ballot papers)]

In paragraph (1), for “after the final nomination day at a parliamentary or local government election” substitute “during the referendum period in respect of a referendum”.

Omit paragraph (5).]

Regulation 79 (alternative means of returning postal ballot paper or postal voting statement)

In paragraph (5) after “polling agents” insert “ or polling observers (if any) ”.

After paragraph (5) insert-

“(5A) For the purpose of paragraph (5), in relation to a referendum under Schedule 4B



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to the Town and Country Planning Act 1990, “polling observer” has the meaning given in regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012.”.

Regulation 80 (notice of opening of postal ballot paper envelopes) *Where the proceedings for the issue and receipt of postal ballot papers for a referendum are not taken together with the proceedings for the issue and receipt of postal ballot papers in one or more relevant election in accordance with regulation 65 of the Representation of the People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 80 has effect in relation to the referendum as follows:*

In paragraph (1) for “each candidate” substitute “ those persons who by virtue of rule 36(2) (a) to (c) of the Neighbourhood Planning Referendums Rules or rule 36(3)(a) to (c) of the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes ”.

Omit paragraph (2)(b).

*Where the proceedings for the issue and receipt of postal ballot papers for a referendum are taken together with the proceedings for the issue and receipt of postal ballot papers at one or more relevant elections in accordance with regulation 65 of the Representation of the People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 80 has effect in relation to the referendum and each of the relevant elections as follows:*

For paragraph (1) substitute—

“(1) The counting officer shall give to those persons who by virtue of rule 36(2) (a) to (c) of the Neighbourhood Planning Referendums Rules or rule 36(3)(a) to (c) of the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes and the other persons entitled to attend the opening of postal 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.

(1A) For the purposes of paragraph (1) the other person entitled to attend the opening of postal votes are—

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(a) where the proceedings for the issue and receipt of postal ballot papers are taken together with the poll at an election, each candidate, or  
 (b) where the proceedings for the issue and receipt of postal ballot papers are taken together with the poll at a Local Government Finance Act referendum, persons who by virtue of rule 35(2) (a) to (d) of the Local Government Finance Act Referendums Rules or rule 37(3)(a) to (d) of the Local Government Finance Act Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes,  
 (c) where the proceedings for the issue and receipt of postal ballot papers are taken together with the poll at a Local Government Act referendum, persons who by virtue of rule 35(2)(a) to (e) of the Local Government Act Referendums Rules or rule 37(3)(a) to (e) of the Local Government Act Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes.”.

Regulation 81 (postal ballot boxes and receptacles)	In paragraphs (3) and (4) for “the agents” substitute “ those ”.
[ <sup>F6</sup> Regulation 82 (receipt of covering envelope)]	
Regulation 83 (opening of postal voters' ballot box)	In paragraph (1) for “the agents” substitute “ such of those who are entitled to attend as are present ”.
[ <sup>F6</sup> Regulation 84 (opening of covering envelopes)]	
[ <sup>F6</sup> Regulation 84A (confirming receipt of postal voting statements)]	
F11	F11
...	...
Regulation 85A (procedure in relation to postal voting statements: personal identifier verification)	In paragraph (4) for “agents” substitute “ counting observers or agents or both (as the case may be) ”.
F11	F11
...	...
[ <sup>F6</sup> Regulation 86 (opening of ballot paper envelopes)]	
Regulation 86A (retrieval of cancelled postal ballot papers)	In paragraph (2)(b) and (f) for “agents” substitute “ counting observers or agents or both (as the case may be) ”.

[<sup>F6</sup>Regulation 87 (lists of rejected postal ballot papers)]

[<sup>F6</sup>Regulation 88 (checking of lists kept under regulation 87)]

[<sup>F6</sup>Regulation 89 (sealing of receptacles)]

Regulation 91 (forwarding of documents)

In paragraph (1) for “constituency or electoral area (or areas)” substitute “neighbourhood area”.

[<sup>F12</sup>After paragraph (3A) insert—  
(3B) In the case of a referendum, the documents to be forwarded under paragraphs (1) and (3A)(a) are to be forwarded to the relevant registration officer determined in accordance with the Neighbourhood Planning Referendums Rules or the Neighbourhood Planning Referendums (Combination of Polls) Rules as the case may be.]

Regulation 98 (supply of free copy of full register for electoral purposes and restrictions on use)

After paragraph (8) insert—  
“(8A) Where a registration officer is not the counting officer for a referendum held wholly or partly within the registration officer's registration area, the registration officer shall supply, free of charge, to the counting officer for that referendum, as many printed copies of the documents referred to in paragraph (4)(a) and (b) above as the counting officer may reasonably require for the purposes of such a referendum, together with one copy of each in data form.”.

In paragraph (9) after “election” insert “or referendum”.

[<sup>F6</sup>Regulation 116 (interpretation of Part 7)]

[<sup>F6</sup>Regulation 118 (inspection of documents open to public inspection)]

[<sup>F6</sup>Regulation 119 (conditions on the use, supply and disclosure of documents open to public inspection)]

In Schedule 3, Form E

After “REPRESENTATION OF THE PEOPLE ACTS” insert “\*[NEIGHBOURHOOD PLANNING REFERENDUM FOR [*insert name of neighbourhood area*]]”.

[<sup>F13</sup>After “Local government electoral area(s)” insert “Neighbourhood area...”]

[<sup>F14</sup>After the words “\*[local government] election” in both places where they occur, insert “\*[referendum]”].

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[<sup>F15</sup> After the words “\*[electoral area], in both places where they occur, insert “\*[neighbourhood area]] .

[<sup>F6</sup> In Schedule 3, Form K

For “Representation of the People Acts” substitute “Neighbourhood Planning (Referendums) Regulations”.

For “Parliamentary Election” substitute “Neighbourhood Planning Referendum”.]

- F5** Words in Sch. 4 Pt. 1 Table 6 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **10(b)** (with reg. 1(7))
- F6** Words in Sch. 4 Pt. 1 Table 6 inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 10(a), **Sch. 2** (with reg. 1(7))
- F7** Words in Sch. 4 Pt. 1 Table 6 inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **65(3)(a)** (with reg. 1(6)(7))
- F8** Words in Sch. 4 Pt. 1 Table 6 inserted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **65(3)(b)** (with reg. 1(6)(7))
- F9** Words in Sch. 4 Pt. 1 Table 6 substituted (16.1.2023) by [The Voter Identification Regulations 2022 \(S.I. 2022/1382\)](#), regs. 1(3), **65(3)(c)** (with reg. 1(6)(7))
- F10** Words in Sch. 4 Pt. 1 Table 6 omitted (31.12.2020) by virtue of [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 2 para. 13(3)(b)** (as amended by S.I. 2019/1389, regs. 1, **2(2)**)
- F11** Words in Sch. 4 Pt. 1 Table 6 omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **10(d)** (with reg. 1(7))
- F12** Words in Sch. 4 Pt. 1 Table 6 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **10(e)** (with reg. 1(7))
- F13** Words in Sch. 4 Pt. 1 Table 6 inserted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 2 para. 13(3)(c)(i)** (as amended by S.I. 2019/1389, regs. 1, **2(2)**)
- F14** Words in Sch. 4 Pt. 1 Table 6 substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 2 para. 13(3)(c)(ii)** (as amended by S.I. 2019/1389, regs. 1, **2(2)**)
- F15** Words in Sch. 4 Pt. 1 Table 6 substituted (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 2 para. 13(3)(c)(iii)** (as amended by S.I. 2019/1389, regs. 1, **2(2)**)

#### Marginal Citations

- M38** [S.I. 2001/341](#); as amended by [S.I. 2001/1700](#), [2002/1871](#), [2004/226](#), [2005/2114](#), [2006/752](#), [2006/1694](#), [2006/2910](#), [2007/1025](#), [2008/1901](#), [2009/1182](#), [2010/231/2010/882](#), [2011/2085](#) and by paragraph 9 of Schedule 1 to the [Counter-Terrorism Act 2008 \(c. 28\)](#) and Part 3 of Schedule 4 to the [Parliamentary Voting System and Constituencies Act 2011 \(c.1\)](#).
- M39** Amended by [SI 2006/2910](#).

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**Changes and effects yet to be applied to :**

- Sch. 4 Pt. 1 Table 1 words inserted by [S.I. 2023/1141 reg. 7\(2\)\(a\)](#)
- Sch. 4 Pt. 1 Table 1 words substituted by [S.I. 2023/1141 reg. 7\(2\)\(b\)](#)

**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\(5\)\(d\)](#)