

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) 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](#)

SCHEDULE 6

Regulation 20

Application, with modifications, of the Representation of the People Act 1983 in relation to referendum petitions

(1) Provision	(2) Modifications
Section 128 (presentation of petition questioning local election) MI	In subsection (1)— (a) for “under the local government Act” substitute “ under the Local Authorities (Conduct of Referendums)(Council Tax Increases) (England) Regulations 2012 ”, and (b) omit “either” and the words from “, or by a person” to the end. After subsection (1B) insert— “(1C) In the case where two or more referendums are held in respect of a precepting authority's relevant basic amount of council tax for the financial year, a petition questioning the referendum under the Local Authorities (Conduct of Referendums)(Council Tax Increases) (England) Regulations 2012 may be presented by four or more persons who voted at those referendums or any one of those referendums, or had a right so to vote.” For subsection (2) substitute— “(2) Any counting officer or Chief Counting Officer of whose conduct the petition complains may be made a respondent to the petition.” In subsection (4) for “the proper officer of the authority for which the election was held” substitute “ the authority in respect of which the referendum was held ”.
Section 129 (time for presentation or amendment of petition questioning local election)	In subsection (1) for “under the local government Act” substitute “ under the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 ”. In subsection (2)(b) for “a candidate elected at the election” substitute “ any person ”. In subsection (3)(b) for “the candidate elected at the election, or by an agent of the candidate or with the privity of the candidate or his election agent” substitute “ any person ”. Omit subsections (4) and (5). For subsection (7) substitute— “(7) Subsections (3) and (6) apply notwithstanding that the act constituting the

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	alleged illegal practice amounted to a corrupt practice.”
	Omit subsection (9).
Section 130 (election court for local election in England and Wales, and place of trial) M2	<p>In subsection (1) for “and Wales under the local government Act” substitute “ under the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 ”.</p> <p>In subsection (2)(b) for “local government” substitute “ voting ”.</p> <p>In subsection (3)(a) for “and Wales under the local government Act” substitute “ under the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 ”.</p> <p>In subsection (7) for “local government” substitute “ voting ”.</p>
Section 131 (accommodation of and attendance on court)	<p>In subsection (1)—</p> <p>(a) for the words from the beginning to “the election” substitute “ the authority in respect of which the referendum ”, and</p> <p>(b) for “him” substitute “ that authority ”.</p>
Section 132 (remuneration and allowances)	
Section 133 (repayments under section 131 and 132)	In subsection (1)(a) omit the words “the proper officer of”.
Section 136 (security for costs) M3	In subsection (2)(b) for “petition questioning an election under the local government Act” substitute “ referendum petition within the meaning of regulation 20 of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 ”.
Section 137 (petition at issue) M4	
Section 138 (list of petitions) M5	<p>In subsection (1)(a) for “all election petitions” substitute “ all referendum petitions within the meaning of regulation 20 of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 ”.</p> <p>In subsection (3) for the words from the beginning to “candidates” substitute “ Two or more persons ”.</p> <p>In subsection (4)—</p> <p>(a) for “the same election or to elections under the local government Act” substitute “ the same referendum or referendums under the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 ”,</p>

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	(b) for “local government” substitute “ voting ”, and
	(c) for “the election list”, in both places, substitute “ the list made out under subsection (1) ”.
Section 139 (trial of petition)	In subsection (1) omit “, in the case of a parliamentary election petition, 14 days and in any other case.”. Omit subsections (3) and (4). For subsection (5) substitute— “(5) On the trial of a petition, the respondent may give evidence in the same manner as if he or she had presented a petition against the referendum.” Omit subsection (6).
Section 140 (witnesses) M6	
Section 141 (duty to answer relevant questions) M7	
Section 143 (expenses of witnesses)	
Section 145 (conclusion of trial of local election petition) M8	For subsection (1) substitute— “(1) At the conclusion of the trial of a petition questioning a referendum under the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 the election court is to determine— (a) in the case of a petition presented on the ground mentioned in regulation 20(1)(a) of those Regulations, whether the result of the referendum was or was not in accordance with the votes cast in the referendum, (b) in the case of a petition presented on the ground mentioned in regulation 20(1)(b) or (c) of those Regulations, whether the referendum was void. (1A) Following a determination under subsection (1)(a), the election court must, as the circumstances require, confirm or reverse the result of the referendum.” In subsection (3)— (a) for “sections 158 and” substitute “ section ”, and

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(b) for the words from “for which” to the end substitute “ in respect of which the referendum was held ”.

In subsection (6) from “the proper officer” to the end substitute “ the authority in respect of which the referendum was held ”.

Section 146 (special case for determination of High Court) Omit subsection (2).

In subsection (3) for the words from the beginning to “local government Act” substitute—

“(3) In the case of a referendum petition under the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012,”.

Section 147 (withdrawal of petition)

In subsection (2) for “local government” substitute “ voting ”.

Section 154 (costs of petition)

Section 155 (neglect or refusal to pay costs)

Section 156 (further provision as to costs)

M9

Section 157 (appeals and jurisdiction)

Omit subsection (4).

M10

Section 160(1) and (3) (persons personally guilty of corrupt practices) Omit subsection (1)(b).

M11

Section 161 (Justices of the Peace)

M12

Section 162 (member of legal and certain other professions)

Section 163 (holder of licence or certificate under Licensing Acts)

M13

Section 164(1) and (2) (avoidance of election for general corruption etc) In subsection (1)—

(a) for “the election of any person at that election” substitute “ a particular outcome in relation to the question asked in the referendum ”, and

(b) for paragraphs (a) and (b) substitute “ , the referendum, if that outcome was achieved, is void ”.

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In subsection (2) for “An election” substitute “
A referendum”.

Section 167 (application for relief)

M14

Section 180 (evidence by certificate of holding of election) Omit sub-paragraph (ii) and the word immediately preceding it.

Section 183 (costs)

M15

Section 184 (service of notices)

M16

Section 185 (interpretation of Part 3)

M17

Marginal Citations

- M1** 1983, c2; [section 128](#) was amended by paragraph 12 of Schedule 1 to the [Electoral Administration Act 2006 \(c. 22\)](#).
- M2** [Section 130](#) was amended by paragraph 50 of Schedule 10 to the [Courts and Legal Services Act 1990 \(c. 41\)](#), [paragraph 2](#) of Schedule 17 to the [Political Parties, Elections and Referendums Act 2000 \(c. 41\)](#) and paragraph 14 of Schedule 10 to the [Tribunals, Courts and Enforcement Act 2007 \(C. 7\)](#).
- M3** [Section 136](#) was amended by paragraph 48 of Schedule 4 to the [Representation of the People Act 1985 \(c. 50\)](#) and paragraph 19 of Schedule 18 to the [Political Parties, Elections and Referendums Act 2000 \(c. 41\)](#).
- M4** The existing section 137 was substituted for section 137 as originally enacted by paragraph 3 of Schedule 17 to the [Political Parties, Elections and Referendums Act 2000 \(c. 41\)](#).
- M5** [Section 138](#) was amended by paragraph 4 of Schedule 17 to the [Political Parties, Elections and Referendums Act 2000 \(c. 41\)](#).
- M6** [Section 140](#) was amended by paragraph 49 of Schedule 4 to the [Representation of the People Act 1985 \(c. 50\)](#).
- M7** [Section 141](#) was amended by paragraph 50 of Schedule 4 to the [Representation of the People Act 1985 \(c. 50\)](#) and paragraph 84 of Schedule 27 to the [Civil Partnership Act 2004 \(c. 33\)](#).
- M8** [Section 145](#) was amended by paragraph 33 of Schedule 3 to the [Greater London Authority Act 1999 \(c. 29\)](#).
- M9** [Section 156](#) was amended by paragraph 51 of Schedule 4 to the [Representation of the People Act 1985 \(c. 50\)](#) and paragraphs 48 and 50 of the [Legal Services Act 2007 \(c. 29\)](#).
- M10** [Section 157](#) was amended by paragraph 6 of Schedule 17 to the [Political Parties, Elections and Referendums Act 2000 \(c. 41\)](#) and paragraph 28 of Schedule 11 to the [Constitutional Reform Act 2005 \(c. 5\)](#).
- M11** Subsection (1) was amended by paragraph 52 of Schedule 4 to the [Representation of the People Act 1985 \(c. 50\)](#), and the present subsection (3) was substituted for subsection (3) as originally enacted by that paragraph.
- M12** [Section 161](#) was amended by paragraph 53 of Schedule 4 and Schedule 5 to the [Representation of the People Act 1985 \(c. 50\)](#) and paragraph 149 of Schedule 4 to the [Constitutional Reform Act 2005 \(c. 5\)](#).
- M13** [Section 163](#) was amended by paragraph 55 of Schedule 4 to the [Representation of the People Act 1985 \(c. 50\)](#).
- M14** [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 Acts 2000 \(c. 41\)](#).
- M15** [Section 183](#) was amended by paragraph 28 of Schedule 11 to the [Constitutional Reform Act 2005 \(c. 5\)](#).

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- M16** Section 184 was amended by paragraph 19 of Schedule 18 to the [Political Parties, Elections and Referendums Act 2000 \(c. 41\)](#), SI 2001/1149 and paragraphs 116 and 118 of Schedule 12 to the [Postal Services Act 2011 \(c. 5\)](#).
- M17** 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 \(c. 17\)](#).

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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 17(5A) inserted by [S.I. 2022/1309 reg. 9\(2\)\(a\)\(ii\)](#)
- Sch. 3 rule 14(5) inserted by [S.I. 2022/1382 reg. 52\(4\)](#)
- Sch. 3 rule 17(5)(aa) inserted by [S.I. 2022/1382 reg. 52\(6\)\(a\)\(ii\)](#)
- Sch. 3 rule 17(6A) inserted by [S.I. 2022/1382 reg. 52\(6\)\(b\)](#)
- Sch. 3 rule 24(2A) inserted by [S.I. 2022/1382 reg. 52\(7\)\(b\)](#)
- Sch. 3 rule 24(5) inserted by [S.I. 2022/1382 reg. 52\(7\)\(e\)](#)
- Sch. 3 rule 26(1A)-(1M) inserted by [S.I. 2022/1382 reg. 52\(8\)\(b\)](#)
- Sch. 3 rule 27(1A) inserted by [S.I. 2022/1382 reg. 52\(9\)\(b\)](#)
- Sch. 3 rule 28(2A) inserted by [S.I. 2022/1382 reg. 52\(10\)\(b\)](#)
- Sch. 3 rule 29(7) inserted by [S.I. 2022/1382 reg. 52\(11\)](#)
- Sch. 3 rule 30A inserted by [S.I. 2022/1382 reg. 52\(12\)](#)
- Sch. 3 rule 34(1)(da) inserted by [S.I. 2022/1382 reg. 52\(13\)](#)
- Sch. 3 rule 42(2)(ba) inserted by [S.I. 2022/1382 reg. 52\(14\)](#)
- Sch. 3 rule 43(1)(da) inserted by [S.I. 2022/1382 reg. 52\(15\)](#)
- Sch. 3 rule 44(1A) inserted by [S.I. 2022/1382 reg. 52\(16\)](#)
- Sch. 3 rule 21(1)(ba) inserted by [S.I. 2023/1225 reg. 7\(2\)\(a\)](#)
- Sch. 3 rule 36(3)(e) and word inserted by [S.I. 2023/1225 reg. 7\(2\)\(b\)\(ii\)](#)
- Sch. 3 rule 24 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 15\(2\)\(3\)](#)
- Sch. 3 rule 17(9) omitted by [S.I. 2022/1309 reg. 9\(2\)\(a\)\(iii\)](#)
- Sch. 3 rule 26(1)(a) omitted by [S.I. 2022/1382 reg. 52\(8\)\(a\)\(ii\)](#)
- Sch. 3 rule 26(3)(a) omitted by [S.I. 2022/1382 reg. 52\(8\)\(d\)](#)
- Sch. 3 rule 17(5)(b) substituted by [S.I. 2022/1309 reg. 9\(2\)\(a\)\(i\)](#)
- Sch. 3 rule 2(1) substituted by [S.I. 2022/1382 reg. 52\(3\)](#)
- Sch. 3 rule 24(3)-(3B) substituted for Sch. 3 rule 24(3) by [S.I. 2022/1382 reg. 52\(7\)\(c\)](#)
- Sch. 3 rule 17(5)(a) word omitted by [S.I. 2022/1382 reg. 52\(6\)\(a\)\(i\)](#)
- Sch. 3 rule 36(3)(c) word omitted by [S.I. 2023/1225 reg. 7\(2\)\(b\)\(i\)](#)
- Sch. 3 rule 24 Table words inserted by [S.I. 2022/1382 reg. 52\(7\)\(a\)](#)
- Sch. 3 rule 24(4) words inserted by [S.I. 2022/1382 reg. 52\(7\)\(d\)](#)
- Sch. 3 rule 24(1)(b) words inserted by [S.I. 2023/1147 reg. 16\(3\)\(a\)](#)
- Sch. 3 rule 26(2) words omitted by [S.I. 2022/1382 reg. 52\(8\)\(c\)](#)
- Sch. 3 rule 24 table words omitted by [S.I. 2023/1147 reg. 16\(3\)\(b\)\(ii\)](#)
- Sch. 3 rule 28(3) words substituted by [S.I. 2022/1309 reg. 9\(2\)\(b\)](#)
- Sch. 3 rule 15(3) words substituted by [S.I. 2022/1382 reg. 52\(5\)](#)
- Sch. 3 rule 26(1) words substituted by [S.I. 2022/1382 reg. 52\(8\)\(a\)\(i\)](#)
- Sch. 3 rule 27(1) words substituted by [S.I. 2022/1382 reg. 52\(9\)\(a\)](#)
- Sch. 3 rule 28(2) words substituted by [S.I. 2022/1382 reg. 52\(10\)\(a\)](#)
- Sch. 3 rule 24 table words substituted by [S.I. 2023/1147 reg. 16\(3\)\(b\)\(i\)](#)
- Sch. 3 rule 24(2) words substituted by [S.I. 2023/1147 reg. 16\(3\)\(c\)](#)
- Sch. 5 rule 17(6A) inserted by [S.I. 2022/1309 reg. 9\(3\)\(a\)\(ii\)](#)
- Sch. 5 rule 2(1)(za) inserted by [S.I. 2022/1382 reg. 54\(3\)\(a\)](#)
- Sch. 5 rule 2(1)(aa) inserted by [S.I. 2022/1382 reg. 54\(3\)\(c\)](#)
- Sch. 5 rule 14(7) inserted by [S.I. 2022/1382 reg. 54\(4\)](#)
- Sch. 5 rule 17(5A) inserted by [S.I. 2022/1382 reg. 54\(6\)\(a\)](#)
- Sch. 5 rule 17(8A) inserted by [S.I. 2022/1382 reg. 54\(6\)\(b\)](#)
- Sch. 5 rule 26(2A) inserted by [S.I. 2022/1382 reg. 54\(7\)\(b\)](#)

- Sch. 5 rule 26(5) inserted by S.I. 2022/1382 reg. 54(7)(e)
- Sch. 5 rule 28(1A)-(1M) inserted by S.I. 2022/1382 reg. 54(8)(b)
- Sch. 5 rule 29(1A) inserted by S.I. 2022/1382 reg. 54(9)(b)
- Sch. 5 rule 30(2A) inserted by S.I. 2022/1382 reg. 54(10)(b)
- Sch. 5 rule 31(7) inserted by S.I. 2022/1382 reg. 54(11)
- Sch. 5 rule 32A inserted by S.I. 2022/1382 reg. 54(12)
- Sch. 5 rule 36(1)(da) inserted by S.I. 2022/1382 reg. 54(13)
- Sch. 5 rule 44(2)(aa) inserted by S.I. 2022/1382 reg. 54(14)
- Sch. 5 rule 45(1)(da) inserted by S.I. 2022/1382 reg. 54(15)
- Sch. 5 rule 46(1A) inserted by S.I. 2022/1382 reg. 54(16)
- Sch. 5 rule 23(1)(ba) inserted by S.I. 2023/1225 reg. 7(4)(b)
- Sch. 5 rule 38(7)(e) and word inserted by S.I. 2023/1225 reg. 7(4)(c)(ii)
- Sch. 5 rule 26 modified (temp.) by S.I. 2023/1147 Sch. 2 para. 15(2)(3)
- Sch. 5 rule 17(11) omitted by S.I. 2022/1309 reg. 9(3)(a)(iii)
- Sch. 5 rule 28(1)(a) omitted by S.I. 2022/1382 reg. 54(8)(a)(ii)
- Sch. 5 rule 28(3)(a) omitted by S.I. 2022/1382 reg. 54(8)(d)
- Sch. 5 rule 17(6)(b) substituted by S.I. 2022/1309 reg. 9(3)(a)(i)
- Sch. 5 rule 26(3)-(3B) substituted for Sch. 5 rule 26(3) by S.I. 2022/1382 reg. 54(7)(c)
- Sch. 5 rule 2(1)(a) word omitted by S.I. 2022/1382 reg. 54(3)(b)
- Sch. 5 rule 38(7)(c) word omitted by S.I. 2023/1225 reg. 7(4)(c)(i)
- Sch. 5 rule 26 Table words inserted by S.I. 2022/1382 reg. 54(7)(a)
- Sch. 5 rule 26(4) words inserted by S.I. 2022/1382 reg. 54(7)(d)
- Sch. 5 rule 26(1)(b) words inserted by S.I. 2023/1147 reg. 16(7)(a)
- Sch. 5 rule 28(2) words omitted by S.I. 2022/1382 reg. 54(8)(c)
- Sch. 5 rule 26 table words omitted by S.I. 2023/1147 reg. 16(7)(b)(ii)
- Sch. 5 rule 12(4)(b) words revoked by S.I. 2018/1310 Sch. 1 Pt. 2 (This S.I. is amended by S.I. 2019/1389, reg. 2)
- Sch. 5 rule 17(10) words revoked by S.I. 2018/1310 Sch. 1 Pt. 2 (This S.I. is amended by S.I. 2019/1389, reg. 2)
- Sch. 5 rule 38(9)(a) words revoked by S.I. 2018/1310 Sch. 1 Pt. 2 (This S.I. is amended by S.I. 2019/1389, reg. 2)
- Sch. 5 rule 30(3) words substituted by S.I. 2022/1309 reg. 9(3)(b)
- Sch. 5 rule 15(3) words substituted by S.I. 2022/1382 reg. 54(5)
- Sch. 5 rule 28(1) words substituted by S.I. 2022/1382 reg. 54(8)(a)(i)
- Sch. 5 rule 29(1) words substituted by S.I. 2022/1382 reg. 54(9)(a)
- Sch. 5 rule 30(2) words substituted by S.I. 2022/1382 reg. 54(10)(a)
- Sch. 5 rule 26 table words substituted by S.I. 2023/1147 reg. 16(7)(b)(i)
- Sch. 5 rule 26(2) words substituted by S.I. 2023/1147 reg. 16(7)(c)
- Sch. 5 rule 17(10) words substituted by S.I. 2023/1225 reg. 7(4)(a)