

SCHEDULE 1

Regulation 7

“SCHEDULE 6

Regulation 17

REGISTERING TO VOTE IN A BUSINESS REFERENDUM

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## PART 1

### General

#### **Interpretation**

**1.** In this Schedule—

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

“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<sup>(2)</sup>;

“hereditament” has the same meaning as in section 64 of the Local Government Finance Act 1988<sup>(3)</sup>;

“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);

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

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

(3) 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.

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“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<sup>(4)</sup>;

“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.

(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.

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(4) 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)

(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.

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(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

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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 subparagraph (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

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- (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).

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(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(5); 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.

(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),

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

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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.

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(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(6);

“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(7), 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—

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(6) 2000, c. 2.

(7) 1998 c. 29.



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- (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
- (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

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- (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 other 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>(8)</sup> (“the ONS”).

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<sup>(8)</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).

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- (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.
- (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<sup>(9)</sup>.

(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<sup>(10)</sup>.

(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.

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<sup>(9)</sup> 2000 c. 41.

<sup>(10)</sup> 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.

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### **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<sup>(11)</sup>;

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

- (a) a county council;
- (b) a district council;
- (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>(12)</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.

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<sup>(11)</sup> 1972, c 70.

<sup>(12)</sup> 1962 c. 56.

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#### **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

(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—

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- (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(13), 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**

- (a) **49.** (1) 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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- (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.

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## 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:

- 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.
- 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).
- 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

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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.

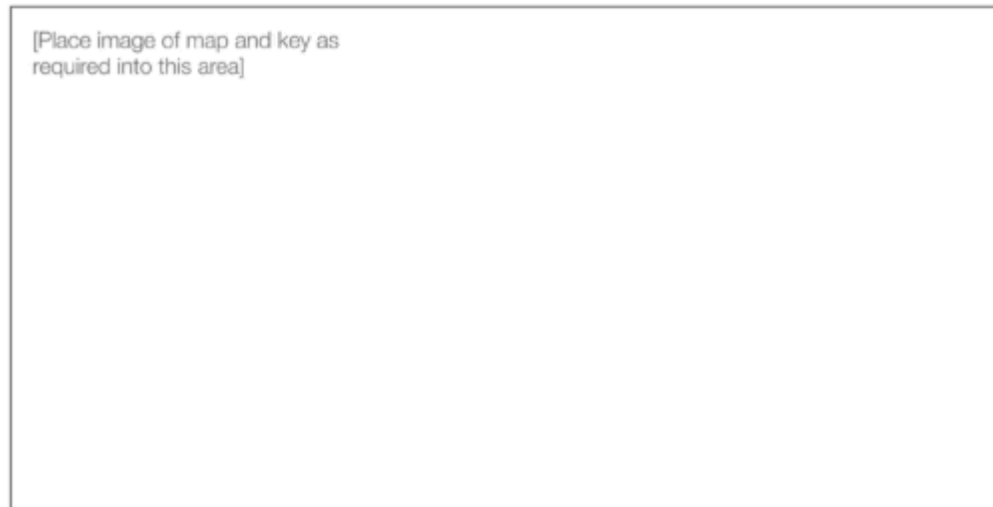
A Business Neighbourhood Planning referendum will be held on [date of referendum], within the referendum area shown on the map below.

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]



### 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).]

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### 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

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

### 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:

I am the named voter and will complete Form B      OR       I am not the named voter. I authorise: \_\_\_\_\_  
to be the named voter and have asked them to complete Form 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

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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



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## 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	<b>OR</b>	<input type="checkbox"/> I would like to vote by post
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### 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)

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
DAY		MONTH		YEAR	

**Please turn over for more information**



Neighbourhood Area Business Registration Officer

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## 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]