
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the conduct of additional “business referendums” held under paragraph 12(4) of Schedule 4B to the Town and Country Planning Act 1990 (“the 1990 Act”). These Regulations only apply in relation to England. The business referendums will relate to the question of whether a neighbourhood development plan or a neighbourhood development order is approved. Provision is made by amending the Neighbourhood Planning (Referendums) Regulations 2012(1) (“the Referendums Regulations”). Additional referendums are provided for in paragraph 15 of Schedule 4B and are required for a neighbourhood area which has been designated as a business area and are in addition to the residential referendum for the area.

Regulation 3 inserts definitions of “business referendum” and “residential referendum” into regulation 2 (Interpretation) of the Referendums Regulations.

Regulation 4 amends regulation 4 (Information to be made available in relation to referendums) of the Referendums Regulations. In particular it provides that information must be published in connection with a referendum and a business referendum in a designated business area not fewer than 56 days before the date it is held.

Regulation 5 amends regulation 6 (General restriction on referendum expenses) of the Referendums Regulations by modifying the formula for referendum expenses where there is a business referendum.

Regulation 6 amends regulation 8 (Conduct of referendum: poll at referendum not take together with poll at relevant election or referendum), 11 (Cross-boundary referendum areas and the Chief Counting Officer) and 12 (Combination of polls: conduct of referendum) of the Referendums Regulations so that a business referendum cannot be combined with any other election or referendum (including the residential neighbourhood planning referendum (“corresponding residential referendum”)).

Regulation 7 inserts regulation 17 (Business referendums) and Schedules 6, 7 and 8 into the Referendums Regulations. Regulation 17 provides in particular that a business referendum must be held on the same day as the corresponding residential referendum.

Regulation 8 amends Schedule 3 of the Referendums Regulations to correct an error in those Regulations and to make the correct provision for the mode by which a legal challenge may be brought in relation to a referendum held under paragraph 14 of Schedule 4B to the 1990 Act.

Schedule 6 sets out the rules for the business voting register. In particular the Schedule makes provision for obtaining data from the business rates records held by local authorities, sending out invitations to register, compilation, publication and supply of the business voting register, alteration of the business voting register and appeals.

Schedule 7 sets out the rules which apply to the conduct of business referendums. These rules are based closely on the rules for conduct of referendums set out in Schedule 3 to the Referendums Regulations.

Schedule 8 sets out the election legislation which is to apply to business referendums, and how that legislation is modified, namely the Representation of the People Act 1983(2), Representation of

(1) S.I. 2012/2031.

(2) 1983 c. 2.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 ISBN 978-0-11-110758-4

the People Act 2000⁽³⁾, Political Parties, Elections and Referendums Act 2000⁽⁴⁾ and the Electoral Administration Act 2006⁽⁵⁾.

⁽³⁾ 2000 c. 2.
⁽⁴⁾ 2000 c. 41.
⁽⁵⁾ 2006 c. 22.