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STATUTORY INSTRUMENTS

2012 No. 2031

TOWN AND COUNTRY PLANNING, ENGLAND

The Neighbourhood Planning (Referendums) Regulations 2012

Made - - - - 2nd August 2012

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990^{M1} and section 38A(3) of the Planning and Compulsory Purchase Act 2004^{M2}.

In accordance with paragraph 16(5) of that Schedule, the Secretary of State has consulted the Electoral Commission on these Regulations.

In accordance with section 333(3A) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Marginal Citations

- M1** 1990 c.8. Schedule 4B was inserted into the 1990 Act by section 121 of and Schedule 10 to the Localism Act 2011 (c.20). Section 333(3A) of the 1990 Act was inserted by paragraph 22(3) of Schedule 12 to the Localism Act 2011.
- M2** 2004 c.5. Section 38A of the 2004 Act, inserted by paragraph 7 of Schedule 9 to the Localism Act 2011, applies Schedule 4B to the 1990 Act to neighbourhood plans, subject to the modifications set out in section 38C(5). By virtue of paragraph 7 of Schedule 4C to the 1990 Act, inserted by Schedule 11 to the Localism Act 2011, Schedule 4B has effect in relation to community right to build orders subject to the modifications set out in paragraphs 8 to 10 of Schedule 4C.

Citation and commencement

1. These Regulations may be cited as the Neighbourhood Planning (Referendums) Regulations 2012 and come into force on the day after the day on which they are made.

Interpretation

2.—(1) In these Regulations—

“the 1983 Act” means the Representation of the People Act 1983^{M3};

“the 1990 Act” means the Town and Country Planning Act 1990;

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004;

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[^{F1}“business referendum” means the additional referendum referred to in paragraph 15 of Schedule 4B to the 1990 Act;]

“counting observer” means the person appointed to that position under rule 19 of the Neighbourhood Planning Referendums Rules or rule 19 of the Neighbourhood Planning Referendums (Combination of Polls) Rules;

“counting officer” means the person referred to in regulation 9;

“electoral area” has the meaning given in section 203(1) of the 1983 Act ^{M4};

“European Parliamentary election” must be construed in accordance with section 27(1) of the Representation of the People Act 1985 ^{M5}

“GLA election” means the election of a Mayor of London or a member of the London Assembly in accordance with Part 1 of the Greater London Authority Act 1999 ^{M6};

“local government election” means the election of a councillor for any electoral area;

“local referendum” means—

- (a) a referendum under Part 1A of the Local Government Act 2000 (local authority governance in England);
- (b) a referendum under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992 (council tax increases);

“mayoral election” means the election for the return of an elected mayor as defined by section 9H of the Local Government Act 2000 ^{M7};

“neighbourhood plan” means a neighbourhood development plan as defined in section 38A of the 2004 Act;

“police and crime commissioner election” means the election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 ^{M8};

“polling observer” means the person appointed to that position under rule 19 of the Neighbourhood Planning Referendums Rules or rule 19 of the Neighbourhood Planning Referendums (Combination of Polls) Rules;

“proper officer” must be construed in accordance with section 270(3) of the Local Government Act 1972 ^{M9};

“referendum”, except in the definition “local referendum”, means a referendum required to be held as a result of paragraph 12(4) of Schedule 4B, or paragraph 10(3) of Schedule 4C, to the 1990 Act;

“referendum period” means the period beginning with the date on which the information statement and documents required to be published by regulation 4(1) are published and ending on the date on which the referendum is held; and

“relevant election” means—

- (a) a Parliamentary election;
- (b) a European Parliamentary election;
- (c) a GLA election;
- (d) a local government election;
- (e) a local referendum;
- (f) a mayoral election;
- (g) a police and crime commissioner election;

[^{F2}“residential referendum” means the referendum referred to in paragraph 14(2) of Schedule 4B to the 1990 Act.]

(2) A reference in these Regulations to a neighbourhood development order includes a community right to build order except in so far as the contrary intention appears ^{M10}.

Textual Amendments

- F1** Words in reg. 2 inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **3(a)**
- F2** Words in reg. 2 inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **3(b)**

Marginal Citations

- M3** 1983 c. 2.
- M4** 1983 c.2. The definition of “electoral area” was substituted by paragraph 71 of Schedule 4 to the [Representation of the People Act 1985 \(c.50\)](#) and amended by paragraph 39 of Schedule 3 to the [Greater London Authority Act 1999 \(c.29\)](#).
- M5** 1985 c.50. The definition was amended by section 3 of the [European Communities \(Amendment\) Act 1986 \(c.58\)](#).
- M6** 1999 c.29.
- M7** 2000 c.22. Section 9H was inserted by section 21 of the [Localism Act 2011 \(c.20\)](#).
- M8** 2011 c.13.
- M9** 1972 c.70.
- M10** “Neighbourhood development order” is defined in section 61E of the 1990 and “community right to build order” is defined in section 61Q of, and Schedule 4C to, the 1990 Act (sections 61E and G were inserted by paragraph 2 of Schedule 9, and Schedule 4C was inserted by Schedule 11 to the [Localism Act 2011 \(c.20\)](#)).

Question to be asked in a referendum

3. The question to be asked in the referendum is, where the proposal in relation to which the referendum is to be held is—

- (a) a neighbourhood plan, the question set out in paragraph 1 of Schedule 1;
- (b) a neighbourhood development order, other than a community right to build order, the question set out in paragraph 2 of Schedule 1;
- (c) a community right to build order, the question set out in paragraph 3 of Schedule 1.

Information to be made available in relation to referendums

4.—(1) ^{F3}...The proper officer of the relevant council ^{M11} must ensure the information statement and the specified documents are—

- (a) published on the website of the relevant council; and
- (b) made available during the referendum period for inspection—
 - (i) at the principal offices of the relevant council; and
 - (ii) where the relevant council controls any premises which are open to the public in the referendum area, at such of those premises as the council considers appropriate having regard to the desirability of ensuring a geographical distribution of premises where the statement and documents are made available, provided that in all cases they are available at least at one such premises^{F4}; and

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- (c) where regulation 17 applies, and subject to paragraph (3A), made available during the referendum period in such other manner if any as the proper officer considers necessary to bring them to the attention of persons likely to be entitled to vote in the business referendum.]

[^{F5}(1A) The information statement and the specified documents must be published in accordance with paragraph (1)(a) not fewer than—

- (a) where regulation 17 applies, 56 days before the date on which the referendums will be held (subject to paragraph 3A)); or
 (b) in any other case, 28 days before the date on which the referendum will be held.

(1B) Where regulation 17 applies (and subject to paragraph (3B)), the information statement and specified documents must be published on the same date in respect of each of the referendums.]

(2) The information statement and the specified documents published in accordance with paragraph (1) must, as far as reasonably practicable, remain available throughout the referendum period in the form in which they were originally published.

(3) For the purposes of this regulation—

(a) “the information statement” is a statement that specifies—

- (i) that a referendum will be held [^{F6}and, where regulation 17 applies, that two referendums will be held on the same date one of which is a business referendum;]
 (ii) the date on which the referendum [^{F7}or referendums] will be held;
 (iii) the question to be asked in the referendum [^{F8}or referendums];
 (iv) a map of the referendum area;
 (v) where the referendum area is not identical to the neighbourhood area, a map of the neighbourhood area;
 [^{F9}(vi) a description of persons entitled to vote in the referendum and, where regulation 17 applies, each of the referendums;
 (vii) the referendum expenses limit that will apply in relation to the referendum or, where regulation 17 applies, as the overall limit for both referendums, and the number of persons by reference to which that limit has been calculated;
 (viii) that the referendum or referendums will be conducted in accordance with procedures similar to those used at local government elections; and
 (ix) the address and times at which a copy of the specified documents can be inspected, including, where regulation 17 applies, the specified documents relating to the business referendum; and]

(b) “the specified documents” are—

- (i) the draft neighbourhood plan or neighbourhood development order;
 (ii) the report made by the independent examiner under paragraph 10 of Schedule 4B to the 1990 (in the case of a neighbourhood plan, as applied by section 38A(3) of the 2004 Act);
 (iii) a summary of any representations submitted to the independent examiner pursuant to paragraph 9 of Schedule 4B to the 1990 Act;
 (iv) a statement—
 (aa) in the case of a draft neighbourhood development order (excluding a community right to build order), that the local planning authority are satisfied the order meets the basic conditions mentioned in paragraph 8(2)

- of Schedule 4B to the 1990 Act and complies with the provision made by or under sections 61E(2), 61J and 61L of that Act, or
- (bb) in the case of a draft neighbourhood plan, that the local planning authority are satisfied the draft plan meets those basic conditions and complies with the provision made by or under sections 38A and 38B of the 2004 Act; or
 - (cc) in the case of a community right to build order, that the independent examiner has recommended that the draft order is submitted to a referendum under paragraph 10(3) of Schedule 4C to that Act;
 - (v) a statement that sets out general information as to town and country planning (including neighbourhood planning) and the referendum, which is prepared having regard to any guidance issued by the Secretary of State; and
 - (vi) in the case of a community right to build order, a statement that sets out details of any enfranchisement right ^{M12} which are not to be exercisable in relation to land the development of which is to be authorised by the draft order, and the properties, or types of properties, in relation to which, the qualifying body proposes that right is not exercisable.

[^{F10}(3A) Where regulation 17 applies, the referendum expenses limit in paragraph (3)(a)(vii) shall be published and made available in accordance with paragraph (1) as soon as practicable after the initial registration list is received by the business registration officer.

(3B) Where regulation 17 applies, this regulation does not require publication or making available of more than one statement, nor of the same document more than once, except in so far as is necessary to bring the information set out in paragraph (3) in respect of both referendums to the attention of persons entitled to vote in either of the referendums.

(3C) In this regulation “referendum expenses limit” has the same meaning as in regulation 6(1).]

(4) The days mentioned in paragraph (5) are to be disregarded in calculating the period ^{F11}... referred to in paragraph (1).

(5) The days mentioned in this paragraph are—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England, and
- (c) any day appointed as a day of public thanksgiving or mourning in England.

Textual Amendments

- F3** Words in reg. 4(1) omitted (6.4.2013) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **4(2)(a)**
- F4** Reg. 4(1)(c) and word inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **4(2)(b)**
- F5** Reg. 4(1A)(1B) inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **4(3)**
- F6** Words in reg. 4(3)(a)(i) inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **4(4)**
- F7** Words in reg. 4(3)(a)(ii) inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **4(5)**
- F8** Words in reg. 4(3)(a)(iii) inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **4(6)**
- F9** Reg. 4(3)(a)(vi)-(ix) substituted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **4(7)**

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F10 Reg. 4(3A)-(3C) inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **4(8)**

F11 Words in reg. 4(4) omitted (6.4.2013) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **4(9)**

Marginal Citations

M11 “Relevant council” is defined in paragraph 14(3) of Schedule 4B to the 1990 Act.

M12 See paragraph 11(2) of Schedule 4C to the 1990 Act and regulation 28 of [S.I. 2012/637](#).

Restriction on publication etc of promotional material

5.—(1) This regulation applies to any material which—

- (a) provides general information about the referendum;
- (b) deals with any of the issues raised by the question to be asked in the referendum; or
- (c) puts any arguments for or against a particular answer to that question.

(2) No material to which this regulation applies is to be published by or on behalf of—

- (a) the relevant council, or
- (b) the local planning authority for the referendum area, where that is not the relevant council,

during the referendum period.

(3) Paragraph (2) does not apply to—

- (a) material required to be published under regulation 4, or
- (b) the publication of press notices containing factual information where the sole purpose of the publication is to refute or correct any inaccuracy in material published by a person other than the relevant council.

(4) In this regulation “publish” means make available to the public, or to any section of the public, in whatever form and by whatever means (including, in particular, by inclusion in any programme included in a programme service within the meaning of the Broadcasting Act 1990)^{M13}; and “publication” is to be construed accordingly.

Marginal Citations

M13 [1990 c.42](#). Section 201, which contains the definition of programme service, was amended by section 360 of and Schedule 19 to the [Communications Act 2003 \(c. 21\)](#).

General restriction on referendum expenses

6.—(1) In this regulation and in regulation 7—

“campaign organiser” means an individual or body by whom, or on whose behalf, referendum expenses are incurred (including expenses treated as incurred) in connection with a referendum campaign;

[^{F12}“initial registration list” means the information provided by a billing authority to a business registration officer in accordance with paragraph 13 of Schedule 6 and includes any corrections or alterations made to it in accordance with the provisions of that Schedule;]

“referendum campaign” means a campaign conducted with a view to promoting or procuring a particular outcome in relation to the question to be asked in a referendum;

“referendum expenses” means the expenses incurred by or on behalf of any individual or body during the referendum period for referendum purposes in respect of any of the matters set out in paragraphs 1 to 7 of Schedule 2, as read in accordance with paragraph 8 of that Schedule; “referendum expenses limit” is calculated using the formula—

$$£ 2, 362 + (0.059xN)$$

[^{F13}where N is—

- (a) if regulation 17 does not apply, the number of entries in the relevant register;
- (b) if regulation 17 applies, the sum of the number of entries in the relevant register and the number of rate-payers on the initial registration list;]

“for referendum purposes” means—

- (a) in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular result in the referendum, or
- (b) otherwise in connection with promoting or procuring any such outcome;

[^{F14}“relevant register” means the part or parts of the register or registers of local government electors kept in accordance with section 9(1) of the 1983 Act which has or have effect in respect of the referendum area on the day on which the referendum period begins (whether or not the persons to whom the entries relate are entitled to vote in the referendum).]

(2) The total referendum expenses incurred or, in accordance with regulation 7, treated as incurred, by, or on behalf of, a campaign organiser must not exceed the referendum expenses limit.

(3) Where any referendum expenses are incurred in excess of the referendum expenses limit, a person who knew or ought reasonably to have known that that limit would be exceeded, or who, without reasonable excuse, authorises another person to exceed that limit, is guilty of an offence.

(4) Where an offence under paragraph (3) which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any other person purporting to act in such capacity, that person, as well as the body corporate, is guilty of an offence and is liable to be proceeded against and punished accordingly.

(5) A person who commits an offence under paragraph (3) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding 12 months or both, or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 12 months or both.

(6) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 ^{M14}, the reference in paragraph (5)(a) to 12 months is to be read as a reference to 6 months.

(7) Where information is given to the Director of Public Prosecutions (“the DPP”) that an offence under paragraph (3) has been committed, it is the DPP's duty to make such inquiries and institute such prosecutions as the circumstances of the case appear to the DPP to require.

(8) Nothing in paragraph (2) affects the right of any creditor who, when the expenses were incurred, was ignorant of that expense being in contravention of that paragraph.

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Textual Amendments

- F12** Words in reg. 6 inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **5(1)**
- F13** Words in reg. 6 substituted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **5(2)**
- F14** Words in reg. 6(1) substituted (14.2.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(2), **3** (with reg. 1(8))

Marginal Citations

- M14** 2003 c.44.

Notional referendum expenses

7.—(1) This regulation applies where property, services or facilities provided for the use or benefit of any person either—

- (a) free of charge, or
- (b) at a discount of more than 10 per cent of the commercial rate for the use of the property or for the provision of the services or facilities,

is or are made use of by or on behalf of that person in circumstances such that, if any expenses were to be (or are) actually incurred by that person or on that person's behalf in respect of that use, they would be (or are) referendum expenses incurred by that person or on that person's behalf.

(2) Subject to paragraph (5), where this regulation applies, an amount of referendum expenses determined in accordance with paragraph (3) is, unless it is not more than £200, to be treated for the purposes of regulation 6 as incurred by that person for the period for which the property, services or facilities is or are made use of as mentioned in paragraph (1).

(3) The amount mentioned in paragraph (2) is such proportion of either—

- (a) the commercial rate for use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of the expenses actually incurred by or on behalf of that person in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, services or facilities as mentioned in paragraph (1).

(4) Where the services of an employee are made available by that employee's employer for the use or benefit of a person, the amount which is to be taken as constituting the commercial rate for the provision of those services is the amount of the remuneration or allowances payable to the employee by the employer in respect of the period for which the employee's services are made available (but that amount is not to include any amount in respect of contributions or other payments for which the employer is liable in respect of that employee).

(5) No amount of referendum expenses is to be regarded as incurred by virtue of paragraph (2) in respect of the provision by any individual of the individual's own services which the individual provides voluntarily in that individual's own time and free of charge.

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

8.—(1) This regulation applies, in relation to the [^{F15}residential] referendum, where the poll is not taken together with the poll at a relevant election.

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

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

- (a) unless the context otherwise requires, the general modifications specified in paragraph (4), and
- (b) the modifications specified in those Tables.

(4) The general modifications are—

- (a) a reference to an election must be construed as a reference to the referendum;
- (b) a reference to a returning officer must be construed as a reference to the counting officer;
- (c) a reference to a constituency, an electoral division or a ward, or a reference to a voting area must be construed as a reference to the referendum area;
- (d) a reference to any local authority by or in respect of which an election is held must be construed as a reference to the relevant council;
- (e) a reference to voting for, or a vote for, a candidate must be construed as a reference to voting for, or a vote for, an answer;
- (f) a reference to promoting or procuring the election of a candidate, or furthering a person's candidature, must be construed as a reference to promoting or procuring a particular result in the referendum;
- (g) references to nomination papers and, except as mentioned in sub-paragraphs (e) and (f), references to candidates, are ignored;
- (h) a reference to the return of a person must be construed as a reference to a particular result in the referendum;
- (i) a reference to a person voting as an elector must be construed as a person voting on their own behalf;
- (j) a reference to a person's entitlement as an elector to an absent vote must be construed as a reference to a person's entitlement to vote by post on their own behalf or to vote by proxy;
- (k) where anything is required to be done in the presence of election, polling, counting or other agents, the reference to the presence of agents is ignored;
- (l) a reference to anything having been prescribed must be construed as a reference to its being provided for by a provision of subordinate legislation applied by these Regulations;
- (m) a form which is required to be used may be used with such variations as the circumstances require;
- (n) a reference to the registration officer, in relation to a district, London borough, the Common Council of the City of London or the Isles of Scilly, is a reference to the relevant registration officer appointed under section 8 or 203(4) of the 1983 Act ^{M15}, and for the purpose of the exercise of a registration officer's functions in relation to the referendum, section 52(1) to (4) (discharge of registration duties) and section 54(1), (3) and (4) (payment of expenses of registration) of that Act have effect;
- (o) any reference to an enactment or instrument made under an enactment must be construed as a reference to that enactment or instrument as applied by these Regulations;

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- (p) so much of any provision as applies to an election petition is ignored;
- (q) so much of any provision as applies only in Scotland, Wales or Northern Ireland is ignored.

Textual Amendments

F15 Word in [reg. 8\(1\)](#) inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), [regs. 1, 6\(1\)](#)

Marginal Citations

M15 [1983 c.2](#). The relevant amendments to which are: section 11(4) of the [Parliamentary Voting System and Constituencies Act 2011 \(c.1\)](#), [paragraphs 12, 14](#) and 71 of Schedule 4 to the [Representation of the People Act 1985 \(c.50\)](#) and paragraph 6 of Schedule 21 to the [Political Parties, Elections and Referendums Act 2000 \(c. 41\)](#).

Counting officer

9.—(1) Where the relevant council is not the Common Council of the City of London, functions conferred by these Regulations on the counting officer are to be exercised in the referendum area by the person who is for the time being the returning officer at local government elections in which the referendum area is situated under section 35(1) or (3) of the 1983 Act^{M16}.

(2) Where the relevant council is the Common Council of the City of London, functions conferred by these Regulations on the counting officer are to be exercised by the person who is for the time being appointed by the Common Council to act as the counting officer of the referendum.

(3) It is the counting officer's general duty at the referendum to do all such acts and things as may be necessary for effectually conducting the referendum in the manner provided by these Regulations.

(4) The counting officer must also appoint and pay any such persons as may be necessary for the purpose of the counting of the votes.

Marginal Citations

M16 [1983 c. 2](#); section 35(1) was amended by paragraph 11 of Schedule 16 to the [Local Government Act 1985 \(c.51\)](#).

Cross-boundary referendum areas and the Chief Counting Officer

10.—(1) This regulation applies where the referendum area comprises any part of the area of more than one relevant council.

(2) Where under these Regulations a proper officer is required to publish any notice or document, that notice or document must be published in the same manner and on the same date in respect of each relevant council.

(3) Where paragraph (2) applies, the decision as to the manner and date of the publicity required is to be made by the proper officers of the relevant councils jointly or, if they cannot agree, by the proper 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.

(4) Where this regulation applies—

- (a) 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, or
- (b) such other relevant council as both or all (as the case may be) the councils agree,

must appoint a person to be Chief Counting Officer in relation to the referendum.

(5) The Chief Counting Officer may give, to a counting officer, directions relating to the discharge of the counting officer's functions at the referendum, including directions requiring the provision to the Chief Counting Officer of any information which the counting officer has or is entitled to have and directions requiring them to take specified steps in preparation for the referendum.

(6) It is the duty of a counting officer to whom directions are given under paragraph (5) to discharge that counting officer's functions at the referendum in accordance with the directions.

(7) In relation to the discharge of all or any of the functions of the Chief Counting Officer in relation to the referendum, the Chief Counting Officer may, in writing, appoint—

- (a) deputies;
- (b) clerks.

Combination of polls: general

11.—^[F16](1) Where the poll at a residential referendum would be taken on a day that falls within the period beginning 28 days before the day on which the poll is to be taken at a relevant election—

- (a) the poll at the referendum (or at both the residential referendum and the business referendum, where an additional referendum is required to be held in accordance with paragraph 12(4) of Schedule 4B to the 1990 Act) may be taken on the day on which the poll is to be taken at the relevant election; and
- (b) the poll at the residential referendum may be taken together with the poll at the relevant election if the returning officer or counting officer for the relevant election and the counting officer for the referendum think fit.]

^[F17](2) Where the poll at a residential referendum would be taken on a day that falls within the period beginning 28 days before the day on which the poll is to be taken at another residential referendum—

- (a) the poll at the referendum (or at both the residential referendum and the business referendum, where an additional referendum is required to be held in accordance with paragraph 12(4) of Schedule 4B to the 1990 Act) may be taken on the day on which the poll is to be taken at the other residential referendum; and
- (b) the poll at both the residential referendums may be taken together if the counting officer thinks fit.]

(3) The cost of taking the combined polls (excluding any cost solely attributable to one election or referendum) and any cost attributable to their combination are to be apportioned equally among the elections or referendums.

Textual Amendments

F16 Reg. 11(1) substituted (6.4.2013) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 (S.I. 2013/798), regs. 1, **6(2)**

F17 Reg. 11(2) substituted (6.4.2013) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 (S.I. 2013/798), regs. 1, **6(3)**

Combination of polls: conduct of referendum

12.—(1) This regulation applies, ^[F18]in relation to a residential referendum], where polls are taken together in accordance with regulation 11.

Status: Point in time view as at 10/06/2014.

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

(2) The poll at the referendum is to be conducted in accordance with the Neighbourhood Planning Referendums (Combination of Polls) Rules (set out in Schedule 5).

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

- (a) unless the context otherwise requires, the general modifications in regulation 8(4), and
- (b) the modifications specified in those Tables.

(4) The enactments mentioned in Part 2 of Schedule 4 have effect, in relation to the referendum, subject to the modifications specified in that Part.

(5) Where the polls at a relevant election are held on the same day as the referendum, a person who is entitled to vote at the referendum is to be treated as being entitled to vote by post, or to vote by proxy, at the referendum where that person is entitled under the absent voter legislation to vote by post, or to vote by proxy, at the relevant election.

(6) In paragraph (5), “absent voter legislation” means one or more of the following—

- (a) Schedule 4 to the Representation of the People Act 2000 ^{M17};
- (b) Schedule 2 to the Police and Crime Commissioner Elections Order 2012 ^{M18}; and
- (c) Schedule 2 to the European Parliamentary Elections Regulations 2004 ^{M19}.

Textual Amendments

F18 Words in [reg. 12\(1\)](#) substituted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **6(4)**

Marginal Citations

M17 2000 c.2. Schedule 4 was amended by paragraph 164 of Schedule 27 to the [Civil Partnerships Act 2004 \(c.33\)](#), and sections 5, 14, 35 and 38 of, paragraphs 19, 20 and 137 of Schedule 1 to, the [Electoral Administration Act 2006 \(c.22\)](#).

M18 S.I. 2012/1917.

M19 S.I. 2004/293.

Combination of polls: supplementary provisions relating to relevant elections

13.—(1) This regulation applies, in relation to the relevant election, where polls are taken together in accordance with regulation 11.

(2) The enactments mentioned in Tables 2, 3 and 6 of Part 1 and Parts 2 and 3 of Schedule 4, have effect, in relation to the relevant election taken together with the referendum, subject to—

- (a) unless the context otherwise requires, the general modifications specified in paragraph (3), and
- (b) the modifications specified in Tables 2, 3 and 6 and Parts 2 and 3.

(3) The general modifications are—

- (a) a reference to an election must be construed as including the referendum;
- (b) a reference to a returning officer must be construed as including the counting officer;
- (c) a reference to a constituency, an electoral division or a ward, or a reference to a voting area must be construed as including the referendum area;
- (d) a reference to any local authority by or in respect of which an election is held must be construed as including the relevant council;

- (e) a reference to voting for, or a vote for, a candidate must be construed as including voting for, or a vote for, an answer;
- (f) a reference to promoting or procuring the election of a candidate, or furthering a person's candidature, must be construed as including promoting or procuring a particular result in the referendum;
- (g) a reference to the return of a person must be construed as including a particular result in the referendum;
- (h) a reference to a person voting as an elector must be construed as including a person voting on their own behalf;
- (i) a reference to a person's entitlement as an elector to an absent vote must be construed as including a person's entitlement to vote by post on their own behalf or to vote by proxy;
- (j) a reference to anything having been prescribed must be construed as including its being provided for by a provision of subordinate legislation applied by these Regulations;
- (k) a form which is required to be used may be used with such variations as the circumstances require;
- (l) a reference to the registration officer, in relation to a district, London borough, the Common Council of the City of London or the Isles of Scilly, includes a reference to the relevant registration officer appointed under section 8 or 203(4) of the 1983 Act, and for the purpose of the exercise of a registration officer's functions in relation to the referendum, section 52(1) to (4) (discharge of registration duties) and section 54(1), (3) and (4) (payment of expenses of registration) of that Act have effect;
- (m) any reference to an enactment or instrument made under an enactment must be construed as including that enactment or instrument as applied by these Regulations.

Advertisements

14. The Town and Country Planning (Control of Advertisements) Regulations 2007 ^{M20} have effect in relation to the display on any site in a referendum area of an advertisement relating specifically to the referendum as they have effect in relation to the display of an advertisement relating specifically to a local government election.

Marginal Citations

M20 S.I. 2007/783.

Non-domestic rating: premises used for referendum purposes

15. In relation to premises in a referendum area, section 65(6) of the Local Government Finance Act 1988 ^{M21} has effect as if—

- (a) the reference to public meetings in furtherance of a person's candidature at an election included a reference to public meetings promoting a particular result in the referendum, and
- (b) the reference to the use by a returning officer for the purpose of taking the poll in an election included a reference to the use for the purpose of taking the poll in the referendum by a person exercising functions of a counting officer in accordance with regulation 9.

Status: Point in time view as at 10/06/2014.

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

Marginal Citations

M21 1988 c.41, to which there have been no relevant amendments.

Referendums not arranged by the local planning authority

16. If any relevant council is not the local planning authority, the relevant council and the local planning authority must co-operate in relation to the holding of referendums, and in particular—

- (a) the proper officer of the local planning authority must inform the proper officer of the relevant council as soon as they know that a referendum is required to be held by paragraph 12(4) of Schedule 4B, or paragraph 10(3) of Schedule 4C, to the 1990 Act;
- (b) the proper officer of the local planning authority must promptly provide to the proper officer of the relevant council—
 - (i) a summary of written representations, and
 - (ii) any information or copies of documents held by the local planning authority, which the proper officer of the relevant council requires to comply with regulation 4;
- (c) the proper officers of the local planning authority and the relevant council must each respond as soon as reasonably practicable to any request for information from the other in connection with the holding of the referendum; and
- (d) the proper officer of the relevant council must, as soon as reasonably practicable, inform the proper officer of the local planning authority of the result of the referendum.

[^{F19}Business referendums

17.—(1) This regulation applies where a business referendum is required to be held.

(2) The business referendum must be held on the same date as the corresponding residential referendum.

(3) Schedule 6 is to have effect.

(4) The poll at the business referendum is to be conducted in accordance with the Neighbourhood Planning Business Referendums Rules as set out in Schedule 7.

(5) The provisions mentioned in the Tables in Schedule 8 have effect in relation to the business referendum subject to—

- (a) unless the context otherwise requires the general modifications specified in paragraph (6), and
- (b) the modifications specified in those Tables.

(6) The general modifications are—

- (a) a reference to an election must be construed as a reference to the business referendum;
- (b) a reference to a returning officer must be construed as a reference to the counting officer;
- (c) a reference to a register or a register of parliamentary or local government electors must be construed as a reference to the business voting register;
- (d) a reference to a constituency, an electoral division or a ward, or a reference to a voting area must be construed as a reference to the referendum area;
- (e) a reference to any local authority by or in respect of which an election is held must be construed as a reference to the relevant council;

- (f) a reference to voting for, or a vote for, a candidate must be construed as a reference to voting for, or a vote for, an answer;
 - (g) a reference to promoting or procuring the election of a candidate, or furthering a person's candidature, must be construed as a reference to promoting or procuring a particular result in the business referendum;
 - (h) a reference to the return of a person must be construed as a reference to a particular result in the business referendum;
 - (i) a reference to an elector or a proxy must be construed as a reference to a business vote holder or a named voter;
 - (j) where anything is required to be done in the presence of election, polling, counting or other agents, the reference to the presence of agents is ignored;
 - (k) a reference to anything having been prescribed must be construed as a reference to its being provided for by a provision of subordinate legislation applied by these Regulations;
 - (l) a form which is required to be used may be used with such variations as the circumstances require;
 - (m) a reference to the registration officer, in relation to a district, London borough, the Common Council of the City of London or the Isles of Scilly, is a reference to the business registration officer;
 - (n) any reference to an enactment or instrument made under an enactment must be construed as a reference to that enactment or instrument as applied by these Regulations;
 - (o) so much of any provision as applies to an election petition is ignored;
 - (p) so much of any provision as applies only in Scotland, Wales or Northern Ireland is ignored.
- (7) In this regulation—
- “business voting register” has the same meaning as in Schedule 6;
 - “corresponding residential referendum” has the same meaning as in Schedule 7.]

Textual Amendments

F19 [Reg. 17](#) inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **7(1)**

Signed by authority of the Secretary of State for Communities and Local Government

Department for Communities and Local
Government

Grant Shapps
Minister of State

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SCHEDULE 1

Regulation 3

Question to be asked in a referendum

1. Do you want [insert name of local planning authority] to use the neighbourhood plan for [insert name of neighbourhood area] to help it decide planning applications in the neighbourhood area?
2. Do you want the type of development in the neighbourhood development order for [insert name of neighbourhood area] to have planning permission?
3. Do you want the development in the community right to build order for [insert name of neighbourhood area] to have planning permission?

SCHEDULE 2

Regulation 6

Matters relevant to referendum expenses

1. Advertising of any nature (whatever the medium used):

Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.

2. Unsolicited material addressed to voters (whether addressed to them by name or intended for delivery to households within any particular area or areas):

Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).

3. Any material of a description referred to in regulation 5(1).
4. Market research or canvassing conducted for the purposes of ascertaining voting intentions.
5. The provision of any property, services or facilities in connection with press conferences or other dealings with the media.

6. Transport (by any means) of persons to any place or places with a view to obtaining publicity in connection with a referendum campaign:

Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport for the whole or part of the referendum period.

7. Rallies and other events, including public meetings organised so as to obtain publicity in connection with a referendum campaign or for other purposes connected with a referendum campaign.

Expenses in respect of such events include costs in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

8. Nothing in paragraphs 1 to 7 is to be taken as extending to—
 - (a) any expenses in respect of any property, services or facilities so far as those expenses fall to be met out of public funds;
 - (b) any expenses incurred in respect of the remuneration or allowances payable to any member of staff of the campaign or the campaign organiser;

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- (c) any expenses incurred in respect of an individual by way of travelling expenses (by any means of transport) or in providing for that individual's accommodation or other personal needs to the extent that the expenses are paid by the individual from that individual's own resources and are not reimbursed to the individual.

SCHEDULE 3

Regulation 8

THE NEIGHBOURHOOD PLANNING REFERENDUMS RULES

PART 1

Citation and Interpretation

Citation

1. These Rules may be cited as the Neighbourhood Planning Referendums Rules.

Interpretation

- 2.—(1) In these Rules “voter” means a person entitled to vote on their own behalf.
- (2) References to the register of local government electors (other than a reference to a person's number on the register) must be construed as references to the part or parts of the register or registers of local government electors which has or have effect in respect of the referendum area.
- (3) References to the relevant registration officer are to—
- (a) the registration officer of the relevant council;
- (b) if the referendum area comprises any part of the area of more than one relevant council, 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 electors is registered.
- (4) Other expressions used both in these Rules and in the 1983 Act (as it applies to local government elections) have the same meaning in these Rules as they have in that Act.

PART 2

Provisions as to Time

Timetable

3. The proceedings at the referendum are to be conducted in accordance with the following Timetable.

Timetable

<i>Proceedings</i>	<i>Time</i>
Publication of notice of referendum	Not later than the twenty-fifth day before the day of the referendum.

Status: Point in time view as at 10/06/2014.

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Notice of poll	Not later than the sixth day before the day of the referendum.
Polling	Between the hours of 7 in the morning and 10 at night on the day of the referendum.

Computation of time

4. In computing any period of time for the purposes of the Timetable the days mentioned in regulation 4(5) are to be disregarded, and any such day is not to be treated as a day for the purpose of any proceedings up to the completion of the poll nor is the counting officer obliged to proceed with the counting of the votes on such a day.

PART 3

General Provisions

Notice of referendum

5.—(1) The counting officer must publish notice of the referendum, stating the date of the poll.
 (2) The notice of referendum must state the date by which—
 (a) applications to vote by post or by proxy; and
 (b) other applications and notices about postal or proxy voting,
 must reach the registration officer in order that they may be effective for the referendum.

Poll to be taken by ballot

6. A poll must be taken at the referendum and the votes at the poll must be given by ballot.

The ballot papers

7.—(1) The ballot of every person entitled to vote at the referendum must consist of a ballot paper.
 (2) Every ballot paper to be used in the referendum must be in the form set out in Form 1, 2 or 3 in the Appendix (as the case may be).
 (3) Every ballot paper—
 (a) must be capable of being folded up; and
 (b) must have a number and other unique identifying mark printed on the back.

The corresponding number list

8.—(1) The counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by the counting officer in pursuance of rule 14(1) or provided by that person in pursuance of rule 18(1).
 (2) The list must be in the form set out in Form 4 in the Appendix or a form to like effect.

The official mark

9.—(1) Every ballot paper must contain an appropriate security marking (the official mark).
 (2) The official mark must be kept secret.

(3) The counting officer may use a different official mark for different purposes at the same referendum.

Prohibition of disclosure of vote

10. No person who has voted at the referendum is, in any legal proceeding to question the referendum, required to state for which answer that person has voted.

Use of schools and public rooms

11.—(1) The counting officer may use, free of charge, for the purpose of taking the poll or counting the votes—

- (a) a room in a school maintained or assisted by a local authority (as defined in the Education Act 1996 ^{M22}) or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) a room the expense of maintaining which is payable out of any rate.

(2) The counting officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.

Marginal Citations

M22 1996 c.56.

Cross-boundary referendum areas

12.—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.

(2) Where this rule applies, the Chief Counting Officer must ensure, as far as practicable, that any ballot paper or other document issued in relation to the referendum is in the same form (except for necessary changes) and is issued on the same date in respect of each relevant council.

PART 4

Action to be Taken Before the Poll

Notice of poll

13.—(1) The counting officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll; and
- (b) the question to be asked in the referendum.

(2) The notice of the poll must be published no later than the sixth day before the date of the referendum.

(3) The counting officer must, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the situation of each polling station; and
- (b) the description of persons entitled to vote there.

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Postal ballot papers

14.—(1) The counting officer must, in accordance with regulations made under the 1983 Act^{M23}, issue to those entitled to vote by post a ballot paper and a postal voting statement in the form set out in Form 6 in the Appendix, or a form to like effect, together with such envelopes for their return as may be prescribed by such regulations.

(2) The counting officer must also issue to those entitled to vote by post such information as the officer thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for voters and proxies sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the voter or proxy.

(4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter or proxy.

Marginal Citations

M23 See the [Representation of the People \(England and Wales\) Regulations 2001 \(S.I. 2001/341\)](#) as amended by [S.I. 2001/1700](#), [2002/1871](#), [2004/226](#), [2006/752](#) and [2006/2910](#).

Provision of polling stations

15.—(1) The counting officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot polling stations to voters in such manner as the counting officer thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to voters from any parliamentary polling district wholly or partly within the referendum area must, in the absence of special circumstances, be in the parliamentary polling place for that district.

(4) The counting officer must provide each polling station with such number of compartments as may be necessary in which the voters and proxies can mark their votes screened from observation.

Appointment of presiding officers and polling clerks

16.—(1) The counting officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the referendum.

(2) The counting officer may, if that officer thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer apply to a counting officer so presiding with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.

(3) A presiding officer may do, by the clerks appointed to assist the officer, any act (including the asking of questions) which the officer is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

17.—(1) The counting officer must as soon as practicable after the publication of the notice of the referendum send to each voter and proxy an official poll card.

(2) The official poll card must be sent or delivered—

- (a) in the case of a voter, to the voter's qualifying address; and
- (b) in the case of a proxy, to the proxy's address as shown in the list of proxies.

(3) The official poll card must be in the form set out in Form 7, 8, 9 or 10 in the Appendix (as the case may be), or a form to like effect, and must set out—

- (a) the name of the relevant council and of the neighbourhood area;
- (b) the name of the voter, the voter's qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the voter's polling station;
- (d) such other information as the counting officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different voters or to different descriptions of voter.

(4) In the case of a voter who has an anonymous entry in the register, instead of containing the matter mentioned in paragraph (3)(b), the poll card must contain such matter as is specified in the appropriate form in the Appendix.

(5) In this rule references to a voter—

- (a) are to a person who is registered in the register of local government electors on the last day for the publication of notice of the referendum; and
- (b) include a person then shown in the register as below voting age if (but only if) it appears from the register that the person will be of voting age on the day fixed for the poll.

Equipment of polling stations

18.—(1) The counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the counting officer's opinion may be necessary.

(2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(3) The counting officer must provide each polling station with—

- (a) materials to enable voters and proxies to mark the ballot papers;
- (b) copies of such part of the register of electors as contains the names of the voters who have the station allotted to them;
- (c) the parts of any special lists prepared for the referendum corresponding to the register of electors or the part of it provided under sub-paragraph (b);
- (d) a list, in the form set out in Form 5 in the Appendix or a form to like effect, consisting of that part of the list prepared under rule 8 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(4) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act ^{M24} in respect of alterations to the register.

(5) The counting officer must also provide each polling station with—

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- (a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of voters and proxies who are partially sighted; and
 - (b) a device of such description as is set out in paragraph (9) for enabling voters and proxies who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 29(1)).
- (6) A notice in the form set out in Form 11 in the Appendix, giving directions for the guidance of voters and proxies in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.
- (7) The counting officer may also provide copies of the notice mentioned in paragraph (6) in Braille or translated into languages other than English as the counting officer considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.
- (8) In every compartment of every polling station there must be exhibited the notice “REFERENDUM ON [specify: neighbourhood plan / neighbourhood development order or community right to build order] FOR [specify name of neighbourhood area]. Mark a cross (X) in the box next to the answer of your choice. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.”.
- (9) The device referred to in paragraph (5)(b) must—
- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper;
 - (b) hold the ballot paper firmly in place during use; and
 - (c) provide suitable means for the voter or proxy to—
 - (i) identify the spaces on the ballot paper on which they may mark their vote;
 - (ii) identify the answer to which each such space refers; and
 - (iii) mark their vote on the space they have chosen.

Marginal Citations

M24 Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the [Representation of the People Act 2000 \(c.2\)](#) and section 13B(3B) and (3D) were inserted by section 11(4) of the [Electoral Administration Act 2006 \(c.22\)](#).

Appointment of polling observers and counting observers

19.—(1) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation (“polling observers”).

(2) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).

(3) In the following provisions of these Rules references to polling observers and counting observers are to be taken as references to polling observers and counting observers whose appointments have been duly made.

(4) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling observers or counting observers, the non-attendance of any such person at the time and place appointed for the purpose does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

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Notification of requirement of secrecy

20.—(1) The counting officer must make such arrangements as the counting officer thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter or proxy with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act ^{M25}, as applied by Schedule 4; and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section, as applied by Schedule 4.

[^{F20}(2) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).]

Textual Amendments

F20 Sch. 3 rule 20(2) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 4 (with reg. 1(7))

Marginal Citations

M25 Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(b) and 96 of Schedule 1 to the [Electoral Administration Act 2006 \(c.22\)](#); subsection (6) was amended by paragraph 3 of Schedule 3 to the [Representation of the People Act 1985 \(c.50\)](#).

Return of postal ballot papers

21.—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list; or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the counting officer must mark the list in the manner prescribed by regulations made under the 1983 Act ^{M26}.

(2) Rule 37(3) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

Marginal Citations

M26 See regulation 84(7) of the [Representation of the People \(England and Wales\) Regulations 2001 \(S.I. 2001/341\)](#) as amended by [S.I. 2006/2910](#).

PART 5

The Poll

Admission to polling station

22.—(1) The presiding officer must exclude all persons from the polling station except—

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- (a) voters and proxies;
- (b) persons under the age of 18 who accompany voters and proxies to the polling station;
- (c) the polling observers appointed to attend at the polling station;
- (d) the clerks appointed to attend at the polling station;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 ^{M27};
- (f) the constables on duty; and
- (g) the companions of voters and proxies with disabilities.

(2) The presiding officer must regulate the total number of voters, proxies and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) A constable or person employed by a counting officer must not be admitted to vote in person elsewhere than at the polling station allotted to them under these Rules, except on production and surrender of a certificate as to their employment which must be in the form set out in Form 12 in the Appendix, or a form to like effect, and signed by an officer of police of or above the rank of inspector or by the counting officer by whom the person is employed, as the case may be.

(4) Any certificate surrendered under this rule must forthwith be cancelled.

[^{F21}(5) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).]

Textual Amendments

F21 Sch. 3 rule 22(5) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 5 (with reg. 1(7))

Marginal Citations

M27 2000 c.41. Sections 6A to 6D were inserted by section 29 of the [Electoral Administration Act 2006 \(c.22\)](#).

Keeping of order in station

23.—(1) It is the presiding officer's duty to keep order at the presiding officer's polling station.

(2) If a person misconducts themselves in a polling station, or fails to obey the presiding officer's lawful orders, that person may immediately, by the presiding officer's order, be removed from the polling station—

- (a) by a constable in or near that station; or
- (b) by any other person authorised in writing by the counting officer to remove the person,

and the person so removed may not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a voter or proxy who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

24. Immediately before the commencement of the poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place the officer's seal on it

in such a manner as to prevent the box being opened without breaking the seal and must place the box in the officer's view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

Questions to be put to voters and proxies

25.—(1) At the time of the application for a ballot paper (but not afterwards), the questions specified in the following Table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the Table; and
- (b) must be put if the letter “R” appears after the question and a polling observer requires the question to be put:

Table

<i>Q no</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as a voter	(a)—Are you the person registered in the register of local government electors for this referendum area as follows? <i>(read the whole entry from the register)</i> [R] (b)—Have you already voted here or elsewhere at this referendum, otherwise than as proxy for some other person? [R]
2	A person applying as proxy	(a)—Are you the person whose name appears as AB in the list of proxies for this referendum area as entitled to vote as proxy on behalf of CD? [R] (b)—Have you already voted here or elsewhere at this referendum as proxy on behalf of CD? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of CD? [R]
3	A person applying as proxy for a voter with an anonymous entry (instead of the questions at entry 2)	(a)—Are you the person entitled to vote as proxy on behalf of the voter whose number on the register of electors is <i>(read out the number)</i> ? [R] (b)—Have you already voted here or elsewhere as proxy on behalf of the voter whose number on the register of electors is <i>(read out the number)</i> ? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is <i>(read out the number)</i> ? [R]
4	A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	Have you already voted at this referendum on behalf of two persons of whom you are not

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- the spouse, civil partner, parent, grandparent,
brother, sister, child or grandchild? [R]
- 5 A person applying as a voter in relation to whom there is an entry in the postal voters list (a)—Did you apply to vote by post?
- (b)—Why have you not voted by post?
- 6 A person applying as proxy who is named in the proxy postal voters list (a)—Did you apply to vote by post as proxy?
- (b)—Why have you not voted by post as proxy?

(2) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register are taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless that person has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry is permitted as to the right of any person to vote.

Challenge of voter or proxy

26. A person must not be prevented from voting by reason only that—

- (a) any polling observer permitted to be present in accordance with rule 22(1) declares that the polling observer has reasonable cause to believe that the person has committed an offence of personation; or
- (b) the person is arrested on the grounds that the person is suspected of committing or of being about to commit such an offence.

Voting procedure

27.—(1) A ballot paper must be delivered to a voter or proxy who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the voter as stated in the copy of the register of electors must be called out;
- (b) the number of the voter as stated in the register must be marked on the list mentioned in rule 18(3)(d) beside the number of the ballot paper to be issued;
- (c) a mark must be placed in the copy of the register of electors against the number of the voter to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against their name in the list of proxies.

(2) A voter who has an anonymous entry must show the presiding officer their official poll card and only their number is to be called out in pursuance of paragraph (1)(a).

(3) In the case of a voter who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “ copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act ”;
- (b) in sub-paragraph (b), for “in the register” substitute “ in the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act ”;

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(c) in sub-paragraph (c), for “in the copy of the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter or proxy, on receiving their ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark the ballot paper and fold it up so as to conceal their vote, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

(5) The voter or proxy must vote without undue delay, and must leave the polling station as soon as the voter or proxy has put the ballot paper into the ballot box.

[^{F22}(6) A voter or proxy who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter or proxy accordingly.]

Textual Amendments

F22 Sch. 3 rule 27(6) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 6 (with reg. 1(7))

Votes marked by presiding officer

28.—(1) The presiding officer, on the application of a voter or proxy—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules; or
- (b) who declares orally that the voter or proxy is unable to read,

must, in the presence of the polling observers (if any), cause that person's vote to be marked on a ballot paper in the manner directed by that person, and the ballot paper to be placed in the ballot box.

(2) The name and number in the register of electors of every person whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called “the list of votes marked by the presiding officer”).

(3) In the case of a person voting as proxy for a voter, the number to be entered together with the proxy's name is the number in the register of the voter.

(4) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for “in the register of electors of every person” there were substituted “relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

Voting by persons with disabilities

29.—(1) If a voter or proxy makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other disability; or
- (b) inability to read,

to vote with the assistance of another person by whom the voter or proxy is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter or proxy to declare, orally or in writing, whether the voter or proxy is so incapacitated by blindness or other disability, or by the voter or proxy's inability to read, as to be unable to vote without assistance.

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- (2) If the presiding officer—
- (a) is satisfied that the voter or proxy is so incapacitated or unable to read; and
 - (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a voter or proxy with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of this rule; and
 - (ii) has not previously assisted more than one voter or proxy with disabilities to vote at the referendum,

the presiding officer must grant the application, and then anything which is by these Rules required to be done to or by that voter or proxy in connection with the giving of their vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these Rules, a person is a voter or proxy with disabilities if that person has made such a declaration as is mentioned in paragraph (1), and a person is qualified to assist a voter or proxy with disabilities to vote if that person—

- (a) is a person who is entitled to vote on their own behalf at the referendum; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter or proxy and has attained the age of 18 years.

(4) The name and number in the register of electors of every person whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the list of voters or proxies with disabilities assisted by companions”).

(5) In the case of a person voting as proxy for a voter, the number to be entered together with the proxy's name is the number in the register of the voter.

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every person” there were substituted “relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

- (7) The declaration made by the companion of a voter or proxy with disabilities—
- (a) must be in the form set out in Form 13 in the Appendix;
 - (b) must be made before the presiding officer at the time when the voter or proxy applies to vote with the assistance of a companion; and
 - (c) must forthwith be given to the presiding officer who must attest and retain it.
- (8) No fee or other payment may be charged in respect of the declaration.

Tendered ballot papers: circumstances where available

- 30.**—(1) If a person, representing themselves to be—
- (a) a particular voter named on the register and not named in the absent voters list; or
 - (b) a particular person named in the list of proxies as proxy for a voter and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the voter or the voter's proxy, the applicant is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 31, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter or proxy.

- (2) Paragraph (4) applies if—
- (a) a person applies for a ballot paper representing themselves to be a particular voter named on the register;

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- (b) that person is also named in the postal voters list; and
 - (c) that person claims that that person did not make an application to vote by post at the referendum.
- (3) Paragraph (4) also applies if—
- (a) a person applies for a ballot paper representing themselves to be a particular person named as a proxy in the list of proxies;
 - (b) that person is also named in the proxy postal voters list; and
 - (c) that person claims that the person did not make an application to vote by post as proxy.
- (4) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 31, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter or proxy.
- (5) Paragraph (6) applies if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents themselves to be—
- (a) a particular voter named on the register who is also named in the postal voters list; or
 - (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,
- and claims that the person has lost or has not received their postal ballot paper.
- (6) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 31, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter or proxy.

Tendered ballot papers: general provisions

- 31.—**(1) A tendered ballot paper must—
- (a) be of a colour differing from that of the other ballot papers;
 - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the officer with the name of the person who has marked a tendered ballot paper and their number in the register of electors, and set aside in a separate packet.
- (2) The name of the person who has marked a tendered ballot paper and their number in the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).
- (3) In the case of a person voting as proxy for a voter, the number to be endorsed or entered together with the proxy's name is the number in the register of the voter.
- (4) In the case of a voter who has an anonymous entry, this rule and rule 30 apply subject to the following modifications—
- (a) in paragraphs (1)(b) and (2) above, the references to the name of the person who has marked a tendered ballot paper are ignored;
 - (b) otherwise, a reference to a person named in a register or list is construed as a reference to a person whose number appears in the register or list (as the case may be).
- (5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 30 apply as if—
- (a) in rule 30(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “ in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued ”;
 - (b) in paragraph (1)(b) of this rule for “their number in the register of electors” there were substituted “ the number relating to that person on a notice issued under section 13B(3B) or (3D) of the 1983 Act ”;

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- (c) in paragraph (2) of this rule, for “their number in the register of electors” there were substituted “ the number relating to that person on a notice issued under section 13B(3B) or (3D) of the 1983 Act ”;
- (d) in paragraph (3) of this rule, for “the number in the register of the voter” there were substituted “ the number relating to the voter on a notice issued under section 13(3B) or (3D) of the 1983 Act ”.

Spoilt ballot papers

32. A voter or proxy who has inadvertently dealt with their ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to the presiding officer's satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

Correction of errors on day of poll

33. The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

Adjournment of poll in case of riot

34.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings until the following day and must forthwith give notice to the counting officer.

(2) Where the poll is adjourned at any polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
- (b) references in these Rules to the close of the poll are construed accordingly.

Procedure on close of poll

35.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling observers (if any), make up into separate packets, sealed with the presiding officer's own seal and the seals of such polling observers as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;
- (e) the lists prepared under rule 8 including the parts which were completed in accordance with rule 27(1)(b) (together referred to in these Rules as “the completed corresponding number lists”);
- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the list of voters and proxies with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters and proxies whose votes are so marked by the presiding officer under the heads

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“disability” and “unable to read”, the list maintained under rule 33, and the declarations made by the companions of voters and proxies with disabilities,

and must deliver the packets or cause them to be delivered to the counting officer to be taken charge of by that person; but if the packets are not delivered by the presiding officer personally to the counting officer, the arrangements for their delivery require the counting officer's approval.

(2) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(3) The packets must be accompanied by a statement (in these Rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to that officer, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoiled and tendered ballot papers.

PART 6

Counting of Votes

Attendance at counting of votes

36.—(1) The counting officer must make arrangements for counting the votes in the presence of the counting observers as soon as practicable after the close of the poll, and must give to the counting observers notice in writing of the time and place at which the counting officer will begin to count the votes.

(2) No person other than—

- (a) the Chief Counting Officer, the counting officer and the counting officer's clerks;
- (b) the counting observers; and
- (c) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

may be present at the counting of the votes, unless permitted by the counting officer to attend.

(3) A person not entitled to attend at the counting of the votes is not permitted to do so by the counting officer unless the counting officer is satisfied that the efficient counting of the votes will not be impeded.

(4) The counting officer must give the counting observers all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the officer can give them consistent with the orderly conduct of the proceedings and the discharge of the officer's duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting observers are entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

37.—(1) The counting officer must—

- (a) in the presence of the counting observers open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the counting observers verify each ballot paper account; and

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- (c) count such of the postal ballot papers as have been duly returned and record the number counted.
- (2) The counting officer must not count the votes given on any ballot papers until—
 - (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box; and
 - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.
- (3) A postal ballot paper must not be taken to be duly returned unless—
 - (a) it is returned in the manner set out in paragraph (4) and reaches the counting officer or any polling station used at the referendum in question before the close of the poll;
 - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (4) and reaches the counting officer or such a polling station before that time;
 - (c) the postal voting statement also states the date of birth of the voter or proxy; and
 - (d) in a case where steps for verifying the date of birth and signature of a voter or proxy have been prescribed by regulations made under the 1983 Act, the counting officer (having taken such steps) verifies that date of birth and that signature.

[^{F23}(3A) A postal ballot paper or postal voting statement that reaches the counting officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (3) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.]

 - (4) The manner in which any postal ballot paper or postal voting statement may be returned—
 - (a) to the counting officer, is by hand or by post;
 - (b) to a polling station, is by hand.
 - (5) The counting officer must not count any tendered ballot paper.
 - (6) The counting officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.
 - (7) The counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoilt ballot papers in the officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting observer may copy.
 - (8) Where the referendum area comprises any part of the area of more than one relevant council, as soon as is practicable after the counting officer has drawn up the statement as to the result of the verification, the counting officer must inform the Chief Counting Officer of its content.
 - (9) The counting officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the counting officer may exclude the hours between 7 in the evening and 9 on the following morning.
 - (10) During the time so excluded the counting officer must—
 - (a) place the ballot papers and other documents relating to the referendum under the counting officer's own seal; and
 - (b) otherwise take proper precautions for the security of the papers and documents.

Textual Amendments

F23 Sch. 3 rule 37(3A) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 7 (with reg. 1(7))

Re-count

38.—(1) The counting officer may have the votes re-counted or again re-counted.

(2) Paragraphs (3) to (7) apply where the referendum area comprises any part of the area of more than one relevant council.

(3) As soon as practicable after the conclusion of the count (which includes any re-count whether or not directed under this rule), the counting officer must draw up a provisional statement showing—

- (a) the number of ballot papers counted by the counting officer;
- (b) the number of votes cast in favour of each answer to the question asked in the referendum.

(4) As soon as possible after completion of the provisional statement, the counting officer must inform the Chief Counting Officer of its contents.

(5) Once the Chief Counting Officer has received the report of any counting officer on the contents of that counting officer's provisional statement prepared under paragraph (3) and under rule 39(5), the Chief Counting Officer may direct the counting officer to re-count (or further re-count) the votes.

(6) A re-count directed by the Chief Counting Officer under paragraph (5) may be of the votes in the whole referendum area, or in the areas of such of the relevant councils falling within the referendum area as the Chief Counting Officer considers reasonable.

(7) A counting officer must proceed with a re-count as soon as practicable after receipt of the Chief Counting Officer's direction, and if not proceeding forthwith must notify those counting observers entitled to be present at the re-count of the time and place at which the counting officer will begin to re-count the votes.

Rejected ballot papers

39.—(1) Any ballot paper—

- (a) which does not bear the official mark; or
- (b) on which votes are given for more than one answer; or
- (c) on which anything is written or marked by which the voter or proxy can be identified except the printed number and other unique identifying mark on the back; or
- (d) which is unmarked or void for uncertainty,

is, subject to paragraph (2), void and must not be counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place; or
- (b) otherwise than by means of a cross; or
- (c) by more than one mark,

is not for such reason deemed to be void if an intention that the vote is for one or the other of the answers clearly appears, and the way the paper is marked does not itself identify the voter or proxy and it is not shown that the voter or proxy can be identified by it.

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(3) The counting officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if any objection is made by a counting observer to the counting officer's decision.

(4) Subject to paragraph (5), the counting officer must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one answer;
- (c) writing or mark by which the voter or proxy could be identified;
- (d) unmarked or void for uncertainty.

(5) Where the referendum area comprises any part of the area of more than one relevant council, the statement referred to in paragraph (4) above is to be a provisional statement and as soon as practicable after the completion of that statement, the counting officer must inform the Chief Counting Officer of its contents.

Decisions on ballot papers

40. The decision of the counting officer on any question arising in respect of a ballot paper is final.

Equality of votes

41. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between the answers, the result is that there is no majority in favour of the making of the plan or order.

PART 7

Declaration of Result and Disposal of Documents

Declaration of result

42.—(1) This rule applies where rule 43 does not apply.

(2) When the result of the poll has been ascertained, the counting officer must forthwith—

- (a) declare the result of the referendum;
- (b) inform the proper officer of the relevant council of the result of the referendum;
- (c) give public notice of—
 - (i) the result of the referendum;
 - (ii) the number of ballot papers counted;
 - (iii) the total number of votes cast for each answer; and
 - (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

Declaration of result: cross-boundary referendum areas

43.—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.

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

(2) When the Chief Counting Officer is satisfied the result of the poll has been ascertained, the Chief Counting Officer must direct the counting officers to draw up a final statement of the matters referred to in rule 38(3) and to provide final versions of their statements of rejected ballot papers.

(3) The counting officer, having drawn up the final statement, must—

- (a) forthwith inform the Chief Counting Officer of its contents; and
- (b) as soon as reasonably practicable give the Chief Counting Officer notice of the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(4) When authorised by the Chief Counting Officer to do so, each counting officer must—

- (a) make a declaration of the matters referred to in the final statement; and
- (b) give public notice of those matters together with the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(5) The Chief Counting Officer, having received notification of the final statement from each counting officer referred to in paragraph (2) must—

- (a) draw up a statement of—
 - (i) the total number of ballot papers counted, and
 - (ii) the total number of votes cast in favour of each answer to the question asked, in respect of the referendum;
- (b) declare the result of the referendum;
- (c) inform the proper officer of each relevant council of the result of the referendum;
- (d) give public notice of—
 - (i) the result of the referendum;
 - (ii) the number of ballot papers counted;
 - (iii) the total number of votes cast for each answer; and
 - (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

Sealing up of ballot papers

44.—(1) On the completion of the counting at a referendum the counting officer must seal up in separate packets the counted and rejected ballot papers.

(2) The counting officer must not open the sealed packets of—

- (a) tendered ballot papers;
- (b) the completed corresponding number lists;
- (c) certificates as to employment on duty on the day of the poll; or
- (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery of documents to relevant registration officer

45. The counting officer must then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in the counting officer's possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts;

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- (c) the tendered votes lists, the lists of voters and proxies with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 33, and the declarations made by the companions of voters and proxies with disabilities;
- (d) the packets of the completed corresponding number lists;
- (e) the packets of certificates as to employment on duty on the day of the poll; and
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents, the date of the referendum to which it relates and the name of the relevant council.

Orders for production of documents

46.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer; or
- (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the relevant registration officer's custody,

may be made by a county court [^{F24}or the High Court], if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers [^{F24}or for the purpose of proceedings brought as mentioned in section 61N(3) of the 1990 Act].

^{F25}(2)

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons;
- (b) time;
- (c) place and mode of inspection;
- (d) production or opening,

as the court making the order may think expedient.

(4) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular person has been given is not disclosed until it has been proved—

- (a) that their vote was given; and
- (b) that the vote has been declared by a competent court to be invalid.

(5) An appeal lies to the High Court from any order of a county court under this rule.

(6) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(7) Where an order is made for the production by the relevant registration officer of any document in the relevant registration officer's possession relating to any specified referendum—

- (a) the production by the relevant registration officer or that officer's agent of the document ordered in such manner as may be directed by that order is conclusive evidence that the document relates to the specified referendum; and

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- (b) any endorsement on any packet of ballot papers so produced is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.
- (8) The production from proper custody of—
 - (a) a ballot paper purporting to have been used at any referendum; and
 - (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

is prima facie evidence that the person whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13B(3B) or (3D) of the 1983 Act at the time of the referendum contained the same number as the number written as mentioned in sub-paragraph (b) of this paragraph.

(9) Save as by this rule provided, no person is to be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

Textual Amendments

- F24** Words in Sch. 3 rule 46(1) inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **8(1)(a)**
- F25** Sch. 3 rule 46(2) omitted (6.4.2013) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **8(1)(b)**

Retention of documents

47. The relevant registration officer must retain for one year all documents relating to a referendum forwarded to that officer in pursuance of these Rules by a counting officer, and then, unless otherwise directed by an order of a county court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

PART 8

Appendix of Forms

Note:—The forms contained in this Appendix may be adapted so far as circumstances require.

Form 1 - Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Form 2 - Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Form 3 - Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

Form 4 - Corresponding Number List L1

Form 5 - Corresponding Number List L2

Status: Point in time view as at 10/06/2014.

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Form 6 - Form of Postal Voting Statement

Form 7 - Official Poll Card (to be sent to a voter voting in person)

Form 8 - Official Postal Poll Card (to be sent to a voter voting by post)

Form 9 - Official Proxy Poll Card (to be sent to an appointed proxy voting in person)

Form 10 - Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

Form 11 - Form of directions for the guidance of the voters and proxies in voting

Form 12 - Form of Certificate of Employment

Form 13 - Form of declaration made by the companion of a voter or proxy with disabilities

Status: Point in time view as at 10/06/2014.

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Form 1 - Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Front of ballot paper

Referendum on the Neighbourhood Plan for <i>[insert name of neighbourhood area]</i>	
Do you want <i>[insert name of local planning authority]</i> to use the Neighbourhood Plan for <i>[insert name of neighbourhood area]</i> to help it decide planning applications in the neighbourhood area?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Referendum on the Neighbourhood Plan for <i>[insert name of neighbourhood area]</i> on <i>[insert date]</i>

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

Status: Point in time view as at 10/06/2014.

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

Form 2 - Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Front of ballot paper

Referendum on the Neighbourhood Development Order for [<i>insert name of neighbourhood area</i>]	
Do you want the type of development in the Neighbourhood Development Order for [<i>insert name of neighbourhood area</i>] to have planning permission?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Referendum on the Neighbourhood Development Order for [<i>insert name of neighbourhood area</i>] on [<i>insert date</i>]

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

Status: Point in time view as at 10/06/2014.

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

Form 3 - Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

Front of ballot paper

Referendum on the Community Right to Build Order for <i>[insert name of neighbourhood area]</i>	
Do you want the development in the Community Right to Build Order for <i>[insert name of neighbourhood area]</i> to have planning permission?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Referendum on the Community Right to Build Order for <i>[insert name of neighbourhood area]</i> on <i>[insert date]</i>

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

Status: Point in time view as at 10/06/2014.

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Form 4 - Corresponding Number List L1

Corresponding Number List – L1

(to be used at a referendum taken alone)

Area:

Date of Poll:

Sheet No:

Ballot Paper Number	Unique Identifying Mark	Number on electoral register <i>(to be completed only in respect of ballot papers issued to postal voters and proxies voting by post)</i>

Status: Point in time view as at 10/06/2014.

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

^{F26} Form 6: Form of Postal Voting Statement

Textual Amendments

F26 Sch. 3 Pt. 8 Form 6 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 8, **Sch. 1** (with reg. 1(7))

Status: Point in time view as at 10/06/2014.

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

Postal voting statement	[Space for barcode]												
Referendum on the [Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order] for [insert name of neighbourhood area]													
Date of referendum [day] [date] [month] [year]													
Important – you must fill in and return this postal voting statement with your completed ballot paper for it to be counted.													
Please read the instructions carefully and use a black pen.													
* Name _____ Ballot paper number _____													
* Counting Officer to insert name but omit where sent to an anonymous voter													
(!) Check that the number on the back of your ballot paper matches the number shown above. If these do not match, call us immediately on (insert helpline number).													
I am the person the ballot paper numbered above was sent to.													
My Date of Birth is:	<table border="1"><tr><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td><td><input type="text"/></td></tr><tr><td>Day</td><td>Month</td><td colspan="4">Year</td></tr></table>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Day	Month	Year			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>								
Day	Month	Year											
* My Signature is: (You must sign inside the box)	<div style="border: 1px solid black; height: 60px; width: 100%;"></div>												
* Counting Officer to omit box where the voter has been granted a waiver													
We will check this information against our records for security.													
It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once at the same referendum (unless you are appointed as a proxy).													
Counting Officer to add pictorial guidance as appropriate.													

Status: Point in time view as at 10/06/2014.

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Instructions for voting by post

Please read through carefully. If you need help, please call us on *[insert helpline number]*

1. For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper.
2. Make sure you have filled in the date of birth ***[and signature] box[es]** on this postal voting statement.
**Counting Officer to indicate where the voter has been granted a waiver and that a signature is not required*
3. Vote only once by putting a cross in the box next to your choice.
4. Do not mark the ballot paper in any other way or your vote may not count.
5. We must get your postal vote by **10pm on [day] [date of poll]**.
6. If you miss the post, you can hand in your postal vote and/or the postal vote of others at the council office during office hours to a person authorised to receive postal votes or at any polling station used for the referendum before **10pm on [day] [date of poll]**.
7. You will be provided with a form which you must complete for the postal vote(s) you are handing in to be accepted.
8. You can hand in your own postal vote and postal votes for up to 5 other voters.
9. If you are a political campaigner - you can only hand in your own postal vote plus the votes of up to 5 family members or people for whom you provide regular care.
10. Do not put any postal votes in the letter box of the council office as they will be rejected.
11. If you would rather vote in person or ask someone else to vote on your behalf (if you are not already an appointed proxy) you must cancel your postal vote before 5pm on [day/date of deadline]. If you decide to cancel and vote in person, you will need to bring a form of accepted photographic identification. If a person is voting on your behalf as proxy they need to bring their own identification.
12. After we receive your postal voting statement and ballot paper, you cannot vote in person at a polling station in this referendum.

Getting help

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on *[insert helpline number]*. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can get a replacement. Call us immediately as we can only issue a replacement before **5pm on [day] [date] [month]**. If you apply after **5pm on [day before poll]** we can only issue a replacement if you return this ballot pack in person.

Electoral fraud is a crime. It is an offence to vote more than once in this referendum unless you are voting on your own behalf and as a proxy for another person.

Whether you vote in person or via post, it is an offence for someone to try to find out how you are voting whilst you are putting your mark on your ballot paper, or to then reveal that information.

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[^{F27}Form 7: Official Poll Card (to be sent to a voter voting in person)

Textual Amendments

F27 Sch. 3 Pt. 8 Form 7 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 8, **Sch. 1** (with reg. 1(7))

Status: Point in time view as at 10/06/2014.

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Front of card

<p>Poll card</p> <p>Referendum on the [Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order] for [insert name of neighbourhood area] (Relevant Council: [insert name of relevant council])</p>	<p>Your details:</p> <p>* [Voter's name and qualifying address details here]</p> <p>* Counting Officer to omit where poll card sent to an anonymous voter. Poll card to an anonymous voter must be delivered in a sealed envelope</p> <p>Number on register:</p>						
<p>Date of referendum [day] [date] [month] [year]</p>	<p>** [You do not need to take this card with you in order to vote.]</p> <p>** [You must have this card with you. You cannot vote without it.]</p> <p>** <i>If anonymous voter omit the words in the first set of brackets, if not omit the words in the second set of brackets.</i></p> <p>[insert helpline and other details including website].</p>						
<p>Voting information</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Polling day</td> <td></td> </tr> <tr> <td>Voting hours</td> <td></td> </tr> <tr> <td>Your polling station will be</td> <td></td> </tr> </table>	Polling day		Voting hours		Your polling station will be		
Polling day							
Voting hours							
Your polling station will be							

Please turn over

Back of card

<p>This space for map or other information such as helpline and website details</p>	<p>If you are away or cannot go to the polling station on [day] [date of poll] you can do one of the following:</p> <ul style="list-style-type: none"> • Apply to vote by post. Completed applications must reach us before 5pm on [day] [date of deadline]. If you are given a postal vote, you will not be able to vote in person at this referendum. <p>OR</p> <ul style="list-style-type: none"> • Apply to vote by proxy (this means someone else can vote on your behalf). Completed applications must reach us before 5pm on [day] [date of deadline]. If you appoint a proxy, you can vote if you wish, but only if your proxy has not already voted on your behalf and has not got a postal vote for you.
<p>It is an offence to:</p> <ul style="list-style-type: none"> • vote more than once at the same referendum, unless you are voting on your own behalf and as a proxy for another person • vote as a proxy at the same referendum for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild • vote as a proxy for someone if you know that by law they are not allowed to vote 	<p>If after 5pm on [the sixth day before the date of the poll] you are unable to vote in person because you:</p> <ul style="list-style-type: none"> • Have a medical emergency, or • Learn you cannot go to the polling station because of work reasons <p>You can apply to vote by proxy. Completed applications must reach us before 5pm on [day] [date of deadline]. To find out how to apply, call the helpline immediately.</p>
<p>📞 If you need any help or to find out if your polling station is accessible, please contact us. [Counting Officer to add contact details including website if appropriate]</p>	<p>The Counting Officer issued this card.</p>
<p>If undelivered return to: [insert return address]</p>	

Status: Point in time view as at 10/06/2014.

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^{F28}Form 8: Official Postal Poll Card (to be sent to a voter voting by post)

Textual Amendments

F28 Sch. 3 Pt. 8 Form 8 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 8, **Sch. 1** (with reg. 1(7))

Postal poll card
Referendum on the [Neighbourhood Plan/ Neighbourhood Development Order / Community Right to Build Order] for [insert name of neighbourhood area] (Relevant Council: [Insert name of relevant council])
Date of referendum [day] [date] [month] [year]
Voting information
We will send your postal vote around [day] [date] [month] [year] *[addressed to:]
*[Voter's name and address] <i>*Counting Officer to omit where poll card sent to an anonymous voter.</i>

Your details:

- * [Voter's name and qualifying address details here]
- * Counting Officer to omit where poll card sent to an anonymous voter. Poll card to an anonymous voter must be delivered in a sealed envelope

Electoral register number:

Your postal vote

- You will receive a postal vote for this referendum because you asked to vote by post.
- You will not be able to vote in a polling station.
- If you have not received your postal vote by **[day] [date] [month]** call **[insert helpline number]**.

If you lose your postal vote or make a mistake

- Please phone the helpline immediately.
- We can only issue a replacement postal vote before 5pm on **[day/date of deadline]**.

Please turn over

1

^{F29}Form 9: Official Proxy Poll Card (to be sent to an appointed proxy voting in person)

Textual Amendments

F29 Sch. 3 Pt. 8 Form 9 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 8, **Sch. 1** (with reg. 1(7))

Status: Point in time view as at 10/06/2014.

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

Front of card

Proxy poll card	
Referendum on the [Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order] for [insert name of neighbourhood area] (Relevant Council: [Insert name of relevant council])	
Date of referendum [day] [date] [month] [year]	
Voting information	
Polling day	
Voting hours	
Your polling station will be	

Please turn over

Your details:
 * *[Proxy's name and qualifying address details here]*
 * Counting Officer to omit where poll card sent to the proxy of an anonymous voter. Poll card to proxy of an anonymous voter must be delivered in a sealed envelope.

You will receive a proxy vote

- ** [The person named on the back of this card [Another person] has appointed you as a proxy to vote on their behalf at this election.
- ** [You do not need to take this card with you to vote.] [You must have this card with you when you vote. You cannot vote as a proxy without it.]
- ** *If sent to the proxy of an anonymous voter omit the words in each of the first sets of brackets, if not omit the words in each of the second sets of brackets.*

[Insert helpline and other details including website].

Back of card

For this referendum you are proxy for:

* *[Voter's name]*
 * *[Voter's address]*
 * *[Voter's number on register]*
 [the person with this elector number: *(insert voter's number on register)*]

* *If anonymous voter omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*

The person you are proxy for can vote themselves if they wish – but only if you have not already voted on their behalf.

This space for map or other information such as helpline and website details

🗺️ If you need any help or to find out if your polling station is accessible, please contact us.
[Counting Officer to add contact details including website if appropriate]

How to vote as a proxy

1. * [At the polling station, tell the staff that you are a proxy for the person named above. They will give you that person's ballot paper.] * [At the polling station, ask to speak to the presiding officer and show them this card. They will give you the ballot paper of the person you are proxy for.]
 * *If anonymous voter omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*
2. Go to one of the voting booths.
3. Follow the instructions on how to mark the ballot paper.
4. Fold the ballot paper and put in the ballot box

If you need any help, just ask the staff.

If you are away or cannot go to the polling station on **[day] [date of poll]**

- You can apply to vote by post. The deadline for completed applications is 5pm on **[day] [date of deadline]**.
- If you are given a postal vote, you or the person you are proxy for will not be able to vote in person at this referendum.
- To find out how to apply, please call us on **[insert helpline number or other contact details]**.

It is an offence to:

- vote more than once at the same referendum, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at the same referendum for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Counting Officer issued this card.

If undelivered return to
[insert return address]

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^{F30}Form 10: Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

Textual Amendments

F30 Sch. 3 Pt. 8 Form 10 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 8, **Sch. 1** (with reg. 1(7))

Proxy postal poll card
Referendum on the <i>[Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order]</i> for <i>[insert name of neighbourhood area]</i> (Relevant Council: <i>[(insert name of relevant council)]</i>)
Date of referendum <i>[day] [date] [month] [year]</i>
Voting information
We will send your postal vote around <i>[day] [date] [month] [year]</i> <i>*[addressed to:]</i>
* <i>[Proxy's name and qualifying address details here]</i> * Counting Officer to omit where poll card sent to the proxy of an anonymous voter. Poll card to proxy of an anonymous voter must be delivered in a sealed envelope.

Voting as a proxy

** [The person named on the back of this card [Another person] has appointed you as a proxy to vote on their behalf at this referendum.

** *If sent to the proxy of an anonymous voter omit the words in the first set of brackets, if not omit the words in the second set of brackets.*

Your postal vote

- You will receive a postal vote for this referendum because you asked to vote by post.
- You will not be able to vote as a proxy in a polling station.
- **If you have not received your postal vote by *[day] [date] [month]* call *[insert helpline number]*.**

Whether you vote in person or via post, it is an offence for someone else to try to find out who you are voting for whilst you are putting your mark on your ballot paper, or to then reveal that information.

Please turn over

1

^{F31}Form 11: Form of directions for the guidance of the voters and proxies in voting

Textual Amendments

F31 Sch. 3 Pt. 8 Form 11 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 8, **Sch. 1** (with reg. 1(7))

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How to vote at this referendum

1

Go to the desk and tell the staff your name and address.
They will give you your ballot paper.



2

Take your ballot paper to a voting booth.



3

Read the instructions in the booth and mark your ballot paper.



4

When you have marked your ballot paper, fold it so that nobody can see how you have voted.



5

Put your folded ballot paper into the ballot box.



(!) Voting is secret. Do not let anyone see how you have voted.
🗣️ If you make a mistake or need some help, just ask the staff.

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^{F32}Form 12: Form of Certificate of Employment

Textual Amendments

F32 Sch. 3 Pt. 8 Form 12 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 8, **Sch. 1** (with reg. 1(7))

Certificate of Employment
Referendum on the [Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order] for the [insert name of neighbourhood area]
Date of referendum [day] [date] [month] [year]
The person named below is entitled to vote at any polling station in the referendum area on production and surrender of this certificate to the Presiding Officer.
I certify that _____ (name of voter) who is numbered* _____ in the register of electors, cannot reasonably be expected to go in person to the polling station allotted to them at this referendum by reason of his/her employment on the above date for a purpose connected with this referendum: – as a constable** – as a Police Community Support Officer** – by me (Only applies to Counting Officer's staff)**
Signature _____ Counting Officer/Police Officer (Inspector or above)**
Date _____
* The voter's on the register number can be found on the poll card which was sent to them shortly after the referendum was announced, or can be checked by contacting the Electoral Registration Officer. ** Person completing the form to delete whichever does not apply.

1

^{F33}Form 13: Form of declaration to be made by the companion of a voter or proxy with disabilities

Textual Amendments

F33 Sch. 3 Pt. 8 Form 13 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 8, **Sch. 1** (with reg. 1(7))

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Declaration for the companion of a voter with disabilities	
Referendum on the [Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order] for <i>[insert name of neighbourhood area]</i>	
Date of referendum <i>[day] [date] [month] [year]</i>	
A voter with disabilities is a voter who has made a declaration that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote at this referendum without assistance. In this form, "voter" means the person casting the vote at the referendum and includes a person voting as a proxy.	
Part 1 To be completed by the voter's companion	
Companion's name	
Companion's address	
Voter's name	
<i>[Only for use if the disabled voter is acting as a proxy]</i> Voter is acting as proxy for:	
Elector's number <i>[If the disabled voter is acting as a proxy, this is the number of the person for whom the voter is acting]</i>	
I have been requested to assist the voter named above to record their vote at this referendum. I declare that:	
<p>(1)</p> <ul style="list-style-type: none"> • I am entitled to vote as a voter at this referendum <p>or</p> <ul style="list-style-type: none"> • I am the *spouse/*civil partner/*parent/*brother/*sister/*child of the voter with disabilities and am 18 years of age or over <p style="text-align: center;"><i>*Please delete whichever does not apply</i></p>	
AND	
<p>(2)</p> <ul style="list-style-type: none"> • I have not previously assisted more than one voter with disabilities at this referendum. <p>If I have assisted one other voter their name and address is:</p>	
<i>[Complete if appropriate]</i> Name and address of other person assisted	

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NOTE – It is a criminal offence to knowingly make a false statement in this form.			
Companion's signature		Date	
Part 2 To be completed by the Presiding Officer			
I, the undersigned, being the Presiding Officer for:			
Polling station		Neighbourhood area of	
Hereby certify that the above declaration was signed in my presence.		Presiding Officer signature	
Date		Time (exact)	

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SCHEDULE 4

Regulations 8, 12 and 13

Application, with Modification, of other Acts and Subordinate Legislation

PART 1

Table 1

Representation of the People Act 1983

<i>Provision</i>	<i>Modification</i>
[^{F34} Section 13AB (alteration of registers: interim publication dates)	<p>After “election” in each place, insert “or referendum”.</p> <p>After subsection (8) insert—</p> <p>“(8A) This section also applies to referendums.”]</p>
Section 13B (alteration of registers: pending elections) M28	<p>After “election”, in each place, substitute “ or referendum ”.</p> <p>After subsection (4) insert—</p> <p>“(4A) This section also applies to referendums.”.</p>
Section 31 (polling districts and stations at local government elections) M29	<p>In subsection (1)—</p> <p>(a) for “elections of county councillors” substitute “ referendums by or in respect of a county ”, and</p> <p>(b) for “elections of London borough or district councillors” substitute “ referendums by or in respect of a London borough or district ”.</p> <p>In subsection (3) for “local government elections” substitute “ referendums ”.</p>
Section 35(4) (appointments by returning officers)	
Section 36(4) and (6) (returning officer's expenditure at local elections) M30	<p>In subsection (4)—</p> <p>(a) for the words from “by a returning officer” to “London borough” substitute “ by a counting officer for a relevant council in relation to the holding of a referendum ”; and</p> <p>(b) for the words “the council for that area” substitute “ that council ”.</p> <p>In subsection (6) for the words from the beginning to “councillor, the council” substitute “ Before a poll is taken at such a referendum as is referred to in subsection (4), the authority ”.</p> <p>The first reference in subsection (6) to the council who appointed the returning officer must be construed as a reference to the council who appointed the returning officer, but other</p>

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	references to the returning officer must be construed as references to the counting officer.
Section 47 (loan of equipment for local elections) M31	In subsection (1) for “the returning officer at a local government election” substitute “ the counting officer at a referendum ”. In subsection (2) for “an election held under those Acts” substitute “ a referendum ”.
Section 49(4) to (5) F35 ... (effect of registers) M32	In subsection (5) omit “prevent the rejection of the vote on a scrutiny, or”.
Section 60 (personation)	In subsection (2)— (a) omit “parliamentary or”; and (b) after “local government election” insert “ or referendum ”.
Section 61 (other voting offences) M33	In subsection (1) after “local government election” and “local government elections”, in each place, insert “ or referendum ” or “or referendums” respectively. For subsections (2) to (4) substitute— “(2) A person (“V”) shall be guilty of an offence if— (a) V votes on V's own behalf otherwise than by proxy more than once in the same referendum; or (b) V votes on V's own behalf in person and is entitled to vote by post, or (c) V votes on V's own behalf in person knowing that a person appointed to vote as V's proxy has already voted in person or is entitled to vote by post, or (d) V applies for a person to be appointed as V's proxy to vote for V without applying for the cancellation of a previous appointment of a third party then in force or without withdrawing a pending application for such an appointment. (3) A person (“P”) shall be guilty of an offence if— (a) P votes as proxy for the same person more than once in the same referendum; or (b) P votes in person as proxy for a person and is entitled to vote by post as proxy for someone whom P already knows to have voted in person. (4) A person (“R”) shall also be guilty of an offence if R votes as proxy in any referendum for more than two persons of whom R is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.”. For subsection (6A) substitute—

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	“(6A) A person is not guilty of an offence under subsection (2)(b) only by reason of that person having marked a tendered ballot paper in pursuance of rule 30 of the Neighbourhood Planning Referendums Rules or rule 30 of the Neighbourhood Planning Referendums (Combination of Polls) Rules (as the case may be).”.
Section 62A (offences relating to applications for postal and proxy votes) M34	In subsection (1)(a) after “election” insert “ or referendum ”.
Section 63 (breach of official duty) M35	In subsection (3) after “local government election” and “local government elections”, in each place insert “ or referendum ” or “in referendums” respectively. In subsection (4)(a) after “election” insert “ or referendum ”.
Section 65 (tampering with ballot papers, etc) M36	In subsection (1)— (a) after “election”, in the first place it occurs, insert “ or referendum ”, and (b) omit paragraph (a). In subsection (3) for “clerk” substitute “ person ”.
Section 66 (requirement of secrecy) M37	For subsection (1)(b) substitute— “(b) every polling observer, so attending.”.
Section 66A (prohibition of exit polls) M38	In subsection (2) omit the “and” preceding paragraph (b) and after that paragraph insert— “; and (c) any referendum.”.
Section 92 (broadcasting from outside the United Kingdom) M39	In subsection (1) after “local government election” insert “ or referendum ”.
Section 94 (imitation poll cards) M40	In subsection (1) after “local government election” insert “ or referendum ”. In subsection (2)— (a) after “local government election” insert “or referendum, (b) after “section 36” insert “ above, or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”, and (c) after “the rules”, insert “ or, as the case may be, the regulations ”.
Section 96 (schools and rooms for local election meetings) M41	For subsection (1) substitute— “(1) Subject to the provisions of this section, any person is entitled, for the purpose of holding a public meeting to promote a particular result in a

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referendum under Schedule 4B to the Town and Country Planning Act 1990, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies. (1A) In subsection (1), “the campaign period” means the period between the last day on which notice of referendum may be published in accordance with regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 and the day before the date of the referendum.”.

Omit subsection (2).

In subsection (3) for the words from “electoral area for which” to “that electoral area” substitute “the area of the relevant council”.

In subsection (4)—

(a) omit the words “and paragraph 1(1) of Schedule 5 to this Act”,

(b) after the words “that section” insert “subject to the substitution in subsection (5) of that section, for the word “ candidate ” of the word “person””, and

(c) omit the words from “and any person” to the end.

After subsection (4) insert—

“(5) The lists maintained by a county council, district council or London borough council of meeting rooms which candidates at a parliamentary election in any constituency are entitled to use shall have effect for the purposes of the referendum; and any person shall, before the referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.”.

Section 97 (disturbances at election meetings)

M42

For subsection (2) substitute—

“(2) This section applies to a meeting in connection with a referendum under Schedule 4B to the Town and Country Planning Act 1990 held during the campaign period.

(2A) In subsection (2) “the campaign period” means the period between the last day on which notice of referendum may be published in accordance with regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 and the day before the date of the referendum.”.

Section 100(1) and (2) (illegal canvassing by police officers)

M43

In subsection (1) for the words from “from giving his vote” to the end substitute “ from giving their vote in a referendum under Schedule 4B to the Town and Country Planning

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Act 1990 in relation to a referendum area wholly or partly within the police area ”.

Section 109 (payments for the exhibition of election notices)

Section 110 (details to appear on election publications)

M44

Section 111 (prohibition of paid canvassers)

Section 112 (providing money for illegal purposes)

Section 113 (bribery)

M45

Section 114 (treating)

Section 115 (undue influence)

M46

Section 116 (rights of creditors)

Omit paragraphs (b) and (c).

Section 118 (interpretation of Part 2)

M47

Section 119 (computation of time for purposes of Part 2)

M48

In subsection (1)(b) after “disregarded” insert “; and

(c) in computing any period referred to in section 96(1A) or 97(2A), as applied for the purposes of a referendum under Schedule 4B to the Town and Country Planning Act 1990, any of the days so mentioned shall be disregarded.”

Section 168 (prosecutions for corrupt practices)

M49

Section 169 (prosecutions for illegal practices)

M50

Section 170 (conviction of illegal practices on charge of corrupt practice etc)

Section 173 (incapacities)

M51

In subsection (1)(a)(i) after “Great Britain” insert “ or at any referendum ”.

Section 175 (illegal payments etc)

M52

Omit subsection (2).

Section 176 (time limit for prosecutions)

Section 177 (summary trial)

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

In subsection (1)(a) for the words from “in the county” to “adjoins”, substitute “ for the

referendum area in which the offence is alleged to have been committed ”.

Section 178 (prosecution of offences committed outside the United Kingdom)

M53

Section 179 (offences by association)

Section 181 (Director of Public Prosecutions)

M54

Section 185 (interpretation of Part 3)

M55

Section 199B (translations of certain documents)

M56

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

M57

Section 202 (interpretation)

M58

Textual Amendments

- F34** Words in Sch. 4 Pt. 1 Table 1 inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **9(1)** (with reg. 1(7))
- F35** Words in Sch. 4 Table 1 omitted (10.6.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(4), **9(2)**; S.I. 2014/414, art. 5(m)

Marginal Citations

- M28** Section 13B was inserted by paragraphs 1 and 6 of Schedule 1 to the [Representation of the People Act 2000 \(c.2\)](#) and amended by section 11 of the [Electoral Administration Act 2006 \(c.41\)](#).
- M29** Section 31 was amended by Schedule 17 to the [Local Government Act 1985 \(c.50\)](#), **paragraphs 1** and 2 of Schedule 3 to the [Greater London Authority Act 1999 \(c.29\)](#) and paragraphs 104 and 108 of Schedule 1 to the [Electoral Administration Act 2006 \(c. 22\)](#).
- M30** Section 36(4) was amended by Schedule 17 to the [Local Government Act 1985 \(c.51\)](#).
- M31** Section 47 was amended by [S.I. 1991/1728](#) and paragraph 6 of Schedule 21 to the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#).
- M32** Section 49 was amended by paragraphs 2 and 7 of Schedule 1 to the [Electoral Administration Act 2006 \(c.22\)](#), [S.I. 1995/1948](#) and paragraph 12 of Schedule 1 to the [Representation of the People Act 2000 \(c.2\)](#).
- M33** Section 61 was amended by paragraph 2 of Schedule 2, and Schedule 5, to the [Representation of the People Act 1985 \(c. 50\)](#), **paragraph 10** of Schedule 3 to the [Greater London Authority Act 1999 \(c.29\)](#), **paragraph 83** of Schedule 27 to the [Civil Partnership Act 2004 \(c.33\)](#) and section 38(3) of the [Electoral Administration Act 2006 \(c.22\)](#).
- M34** Section 62A was inserted by section 40 of the [Electoral Administration Act 2006 \(c.22\)](#).
- M35** Section 63 was substituted by paragraph 19 of Schedule 4 to the [Representation of the People Act 1985 \(c.50\)](#) and amended by [S.I. 2001/1149](#), **sections 7, 41(8)** and 46(6) of the [Electoral Administration Act 2006 \(c.22\)](#) and sections 25(a) and 39 of, and Schedule 7 to, the [Political Parties and Elections Act 2009 \(c.12\)](#).
- M36** Section 65 was amended by paragraph 2 of Schedule 3 to the [Representation of the People Act 1985 \(c.50\)](#) and paragraphs 69, 72 and 96 of Schedule 1 to the [Electoral Administration Act 2006 \(c.22\)](#)

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- M37** Section 66 was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50), **paragraph 11** of Schedule 3 to the Greater London Authority Act 1999 (c.29) and paragraphs 69, 82, 86 and 96 of Schedule 1 to the Electoral Administration Act 2006 (c.22).
- M38** Section 66A was inserted by paragraphs 3 and 6 of Schedule 6 to the Representation of the People Act 2000 (c.2)
- M39** Section 92 was amended by paragraph 35 of Schedule 20 to the Broadcasting Act 1990 (c.42) and paragraph 61 of Schedule 17 to the Communications Act 2003 (c.21).
- M40** Section 94 was amended by paragraph 36 of Schedule 4 to the Representation of the People Act 1985 (c.50).
- M41** Section 96 was substituted by paragraph 38 of Schedule 4 to the Representation of the People Act 1985 (c.50) and amended by paragraph 11 of Schedule 30 to the School Standards and Framework Act 1998 (c.31) and paragraph 29 of Schedule 3 to the Greater London Authority Act 1999 (c.29).
- M42** Section 97 was amended by paragraph 39 of Schedule 4 to the Representation of the People Act 1985 (c.50) and Part 1 of Schedule 7 to the Police and Criminal Evidence Act 1984 (c.60).
- M43** Section 100(2) was amended by paragraph 5 of Schedule 3 to the Representation of the People Act 1985 (c.50).
- M44** Section 110 was substituted by paragraphs 1 and 14 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c.41).
- M45** Section 113 was amended by paragraph 30 of Schedule 3 to the Greater London Authority Act 1999 (c.29).
- M46** Section 115 was amended by section 39(1) of the Electoral Administration Act 2006 (c.22).
- M47** Section 118 was amended by paragraph 43 of Schedule 4 to the Representation of the People Act 1985 (c.50), **section 135** of, and paragraphs 1 and 15 of Schedule 18 to, the Political Parties, Elections and Referendums Act 2000 (c.41) and paragraphs 104, 119 and 133 of Schedule 1 to the Electoral Administration Act 2006 (c.22).
- M48** Section 119 was amended by section 19(4) of the Representation of the People Act 1985 (c.50) and paragraphs 49 and 51(1) of Schedule 1 to the Electoral Administration Act 2006 (c.22).
- M49** Section 168 was amended by paragraph 8 of Schedule 3 to, and paragraph 57 of Schedule 5 to, the Representation of the People Act 1985 (c.50) and paragraphs 104 and 121 of Schedule 1 to the Electoral Administration Act 2006 (c.22).
- M50** Section 169 was amended by paragraph 9 of Schedule 3 to the Representation of the People Act 1985 (c.50).
- M51** Section 173 was substituted by section 136 of the Political Parties, Elections and Referendums Act 2000 (c.41).
- M52** Section 175 was amended by paragraph 10 of Schedule 3 to the Representation of the People Act 1985 (c.50) and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41).
- M53** Section 178 was substituted by paragraph 62 of Schedule 4 to the Representation of the People Act 1985 (c.50).
- M54** Section 181 was amended by paragraph 63 of Schedule 4 to the Representation of the People Act 1985 (c.50).
- M55** Section 185 was amended by paragraph 10 of Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c.41) and paragraphs 86 and 87 of Schedule 6 to the Licensing Act 2003 (c.17)..
- M56** Section 199B was inserted by section 36 of the Electoral Administration Act 2006 (c.22).
- M57** Section 202 was amended by Part 1 of Schedule 2 and paragraph 70 of Schedule 4 to the Representation of the People Act 1985 (c.50), the Statute Law (Repeals) Act 1983 (c.50), S.I. 1995/1948, the Schedule to the Law Officers Act 1997 (c.60), **paragraph 38** of Schedule 3 to the Greater London Authority Act 1999 (c.29), **paragraph 22** of Schedule 1 and paragraphs 3 and 9 of Schedule 6 to the Representation of the People Act 2000 (c.2), **paragraph 19** of Schedule 18 and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41), S.I. 2001/1149 and section 73 and paragraphs 13, 76 and 128 of Schedule 1 to the Electoral Administration Act 2006 (c.22).
- M58** Section 175 was amended by paragraph 10 of Schedule 3 to the Representation of the People Act 1985 (c.50) and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41).

Table 2Representation of the People Act 1985 ^{M59}

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

Marginal Citations

M59 1985 c.50. Section 15 was amended by paragraph 7 of Schedule 7 to the [Local Government Act 2003 \(c.26\)](#) and section 3(2) of the [Elections Act 2001 \(c.1\)](#).

Table 3Representation of the People Act 2000 ^{M60}

Provision	Modification
Section 10 (pilot schemes for local elections in England and Wales) ^{M61}	<p>In subsection (2)—</p> <p>(a) after “Representation of the People Acts”, insert “ or the Town and Country Planning Act 1990 ”, and</p> <p>(b) in paragraph (c) for “candidates” substitute “ any campaign organiser within the meaning of regulation 6 of the Neighbourhood Planning (Referendums) Regulations 2012 ”.</p> <p>In subsection (3)—</p> <p>(a) in paragraph (b) for “candidates” substitute “campaign organisers””, and</p>

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	(b) for “section 75(1) of the 1983 Act (restriction on third party election expenditure)” substitute “ regulation 6 of the Neighbourhood Planning (Referendums) Regulations 2012 ”.
	Omit subsection (4).
	At the end of subsection (7)(a) insert “ or the Town and Country Planning Act 1990 ”.
Section 12 (changes relating to absent voting at elections in Great Britain)	In subsection (1) at the end insert “ ; and as regards referendums ”.
Schedule 4 (absent voting in Great Britain) M62	In paragraph 1(1), in the definition of “the appropriate rules” at the end of paragraph (b), insert— “, and (c) in the case of a referendum under Schedule 4B to the Town and Country Planning Act 1990, the Neighbourhood Planning Referendums Rules or the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be”.
	In paragraphs 2 to 7, 7C and 7D, except in paragraphs 3(1), 3(2), 3(4)(a)(i), 6(7), 7(4)(a) and 7(6)(a)(i), after “local government election”, “local government elections”, “elections” and “election”, insert, as the context requires, “ or a referendum ”, “or referendums”, or “or the referendum”.
	In paragraphs 3(1) and 3(2) for “or at both” substitute “ or at referendums or at any combination of such polls ”.
	In paragraphs 3(4)(a)(i) and 7(6)(a)(i) for “or both” substitute “ or referendums, or at any combination of such polls ”.
	In paragraphs 6(7) and 7(4)(a) for “or at both” substitute “ or at referendums, or at any combination of such polls ”.

Marginal Citations

M60 [2000 c.2](#).

M61 Section 10 was amended by paragraphs 6 and 16 of Schedule 21 to the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#).

M62 Schedule 4 was amended by paragraph 164 of Schedule 27 to the [Civil Partnerships Act 2004 \(c.33\)](#), and section 5, 14, 35 and 38 of, and paragraphs 19, 20 and 137 of Schedule 1 to, the [Electoral Administration Act 2006 \(c.22\)](#).

Table 4Political Parties, Elections and Referendums Act 2000 ^{M63}

Provision	Modification
Section 6A (attendance of representatives of Commission at elections etc)	After subsection (1)(b) insert— “(c) proceedings relating to a referendum under Schedule 4B to the Town and Country Planning Act 1990 which are the responsibility of the counting officer.”.
Section 6B (observation of working practices by representatives of Commission)	After subsection (2) insert— “(2A) A representative of the Commission may also observe the working practices of a counting officer at a referendum under Schedule 4B to the Town and Country Planning Act 1990, and any person acting under the counting officer's direction.”.
Section 6C (accredited observers: individuals)	In subsection (1) after “applies” insert “ or which is held under Schedule 4B to the Town and Country Planning Act 1990 ”.
Section 6D (accredited observers: organisations)	In subsection (1) after “applies” insert “ or which is held under Schedule 4B to the Town and Country Planning Act 1990 ”.
Section 6E (attendance and conduct of observers)	For subsection (4)(c) substitute— “(c) in the case of any other proceedings at a referendum to which Part 7 applies, the relevant counting officer (within the meaning of section 6A); (ca) in the case of any other proceedings at a referendum under Schedule 4B to the Town and Country Planning Act 1990, the counting officer;”. In subsection (4)(d) for “or (c)” substitute “ , (c) or (ca) ”.

Marginal Citations

M63 2000 c.41. All the provisions mentioned in this table were inserted by section 29 of the [Electoral Administration Act 2006 \(c.22\)](#).

Table 5Electoral Administration Act 2006 ^{M64}

Provision	Modification
Section 42 (access to other election documents)	In subsection (1)(b) for “election documents” substitute “ referendum documents ”.

Status: Point in time view as at 10/06/2014.

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Section 43 (access to other election documents: contravention of regulations)	In subsection (1)(a) after “section 42,” insert “ as applied by the Neighbourhood Planning (Referendums) Regulations 2012, ”.
Section 44 (access to other election documents: supplementary)	<p>In subsection (3)(b) for the words “such registration officer as the Secretary of State by order appoints”, insert “ the registration officer of the relevant council or where the referendum area comprises the areas of two or more councils, the returning officer of the relevant council in whose portion of the referendum area the greater or greatest (as the case may be) number of local government electors are registered ”.</p> <p>In subsection (5) for the words “election documents” to “Northern Ireland)” substitute “ referendum documents are such documents relating to a referendum ”.</p> <p>After subsection (7)(e) insert— “(f) in relation to a referendum under Schedule 4B to the Town and Country Planning Act 1990, the area in which the referendum takes place.”.</p>
Section 46 (returning officers: correction of procedural errors)	<p>After subsection (3)(b) insert— “(c) a referendum.”.</p> <p>Omit subsection (6).</p>
Section 69 (encouraging electoral participation)	<p>In subsection (1) for “by electors in the electoral process” substitute “ in a referendum under Schedule 4B to the Town and Country Planning Act 1990 by those entitled to vote in the referendum ”.</p> <p>After subsection (8)(b) insert— “(c) a counting officer at a referendum.”.</p>

<p>Marginal Citations</p> <p>M64 2006 (c.22).</p>
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Table 6

The Representation of the People (England and Wales) Regulations 2001 ^{M65}

<i>Provision</i>	<i>Modification</i>
Regulation 3 (interpretation)	<p>At the end of paragraph (2)(b) insert— “, or (c) in the case of a referendum under Schedule 4B to the Town and Country Planning Act 1990, the corresponding rule in the Neighbourhood Planning Referendums Rules</p>

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or the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be.”.

[^{F36}Regulation 4(1)(b) (forms) and, in so far as it gives effect to Forms E and K in Schedule 3, Regulation 4(2)]

Regulation 5 (communication of applications, notices, etc)

Regulation 6 (electronic signatures and related certificates)

Regulation 7 (copies of documents)

Regulation 8 (time)

Regulation 11 (interference with notices)

Regulation 50 (interpretation of Part 4)

Regulation 51 (general requirements for an absent vote) In paragraph (2)(c) for “the elector for whom he will act as proxy and the elector's” substitute “the voter for whom he will act as proxy and the voter's”.

For paragraph (4)(b) substitute—
“(b) whether it is made for all or any of parliamentary elections, local government elections or referendums.”.

In paragraph (5)—
(a) after “election”, in each place, insert “ or referendum ”, and
(b) omit “elections”.

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

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

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

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

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

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- [^{F37}Regulation 55A (additional requirements for applications for an emergency proxy vote in respect of a particular election)]
- Regulation 56 (closing dates for applications) In paragraphs (1) to [^{F38}(5A)] and (7)(b) after “election”, in each place, insert “ or referendum ”
- Regulation 57 (grant or refusal of applications) In paragraph (5) after “election” insert “ or referendum ”
- Regulation 58 (notice of appeal)
- Regulation 59 (cancellation of proxy appointment)
- [^{F37}Regulation 60B (requirement to provide fresh signatures following rejection of a postal voting statement)]
- Regulation 61B In paragraph (3)(a) for “any candidate or agent” substitute “ those ”.
- [^{F37}Regulation 61C (notification of a rejected postal voting statement)]
- Regulation 62 (marked register for polling stations)
- Regulation 64 (interpretation of Part 5) Omit the definition of “agent”.
- Regulation 65 (combination of polls) For regulation 65 substitute—
 “**65** Where the polls at elections or referendums are taken together under—
 (a) section 15(1), (2) or (3AA) of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local government elections),
 (b) section 36(3) or (3AB) of the 1983 Act (combination of polls at local elections), or
 (c) regulation 11 of the Neighbourhood Planning (Referendums) Regulations 2012,
 the proceedings at the issue and receipt of postal ballot papers may, if the returning and counting officers concerned agree, be taken together.”.
- Regulation 66 (form of postal voting statement) Omit paragraph (a).
- [^{F37}Regulation 67 (persons entitled to be present at proceedings on issue of postal ballot papers)]
- Regulation 68 (persons entitled to be present at proceedings on the receipt of postal ballot papers) *Where the proceedings for the issue and receipt of postal ballot papers for a referendum under Schedule 4B to the Town and Country Planning Act 1990 are not taken together with the proceedings for the issue and receipt of postal ballot papers in one or more relevant election in accordance with regulation 65 of*

M66

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

For paragraphs (a) to (d) substitute—

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

Where the proceedings for the issue and receipt of postal ballot papers for a referendum under Schedule 4B to the Town and Country Planning Act 1990 are taken together with the proceedings for the issue and receipt of postal ballot papers at one or more relevant elections in accordance with regulation 65 of the Representation of the People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 68 has effect in relation to the referendum and each of the relevant elections as follows:

After paragraph (d) insert—

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

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

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

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

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

Where the proceedings for the issue and receipt of postal ballot papers for a referendum

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

Omit paragraphs (1) to (7).

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

For paragraph (3) substitute—

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

Regulation 70 (notification of requirement of secrecy)

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

Regulation 72 (procedure on issue of postal ballot paper)

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

In paragraph (5)(a)—

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

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

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

Regulation 73 (refusal to issue postal ballot paper)

Regulation 74 (envelopes)

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Regulation 75 (sealing up of completed corresponding number lists and security of special lists)	
Regulation 76 (delivery of postal ballot papers)	
Regulation 77 (spoilt postal ballot papers)	In paragraph (2)(b) for “election” substitute “poll”.
Regulation 78 (lost postal ballot papers)	In paragraph (2A)(b) for “election” substitute “poll”.
[^{F37} Regulation 78A (cancellation of postal ballot papers)	In paragraph (1), for “after the final nomination day at a parliamentary or local government election” substitute “during the referendum period in respect of a referendum”.
	Omit paragraph (5).]
Regulation 79 (alternative means of returning postal ballot paper or postal voting statement)	In paragraph (5) after “polling agents” insert “ or polling observers (if any) ”. After paragraph (5) insert- “(5A) For the purpose of paragraph (5), in relation to a referendum under Schedule 4B to the Town and Country Planning Act 1990, “polling observer” has the meaning given in regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012.”.
Regulation 80 (notice of opening of postal ballot paper envelopes)	<i>Where the proceedings for the issue and receipt of postal ballot papers for a referendum are not taken together with the proceedings for the issue and receipt of postal ballot papers in one or more relevant election in accordance with regulation 65 of the Representation of the People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 80 has effect in relation to the referendum as follows:</i> In paragraph (1) for “each candidate” substitute “ those persons who by virtue of rule 36(2) (a) to (c) of the Neighbourhood Planning Referendums Rules or rule 36(3)(a) to (c) of the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes ”. Omit paragraph (2)(b). <i>Where the proceedings for the issue and receipt of postal ballot papers for a referendum are taken together with the proceedings for the issue and receipt of postal ballot papers at one or more relevant elections in accordance with regulation 65 of the Representation of the</i>

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People (England and Wales) Regulations 2001 as applied by these Regulations, regulation 80 has effect in relation to the referendum and each of the relevant elections as follows:

For paragraph (1) substitute—

“(1) The counting officer shall give to those persons who by virtue of rule 36(2) (a) to (c) of the Neighbourhood Planning Referendums Rules or rule 36(3)(a) to (c) of the Neighbourhood Planning Referendums (Combination of Polls) Rules, as the case may be, are entitled to attend at the counting of the votes and the other persons entitled to attend the opening of postal votes, not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

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

(a) where the proceedings for the issue and receipt of postal ballot papers are taken together with the poll at an election, each candidate, or

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

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

Regulation 81 (postal ballot boxes and receptacles) In paragraphs (3) and (4) for “the agents” substitute “those ”.

[^{F37}Regulation 82 (receipt of covering envelope)]

Regulation 83 (opening of postal voters' ballot box) In paragraph (1) for “the agents” substitute “such of those who are entitled to attend as are present ”.

[^{F37}Regulation 84 (opening of covering envelopes)]

[^{F37}Regulation 84A (confirming receipt of postal voting statements)]

F39

F39

...

...

Regulation 85A (procedure in relation to postal voting statements: personal identifier verification)

In paragraph (4) for “agents” substitute “counting observers or agents or both (as the case may be)”.

F39

F39

...

...

[^{F37}Regulation 86 (opening of ballot paper envelopes)]

Regulation 86A (retrieval of cancelled postal ballot papers)

In paragraph (2)(b) and (f) for “agents” substitute “counting observers or agents or both (as the case may be)”.

[^{F37}Regulation 87 (lists of rejected postal ballot papers)]

[^{F37}Regulation 88 (checking of lists kept under regulation 87)]

[^{F37}Regulation 89 (sealing of receptacles)]

Regulation 91 (forwarding of documents)

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

[^{F40}After paragraph (3A) insert—
(3B) In the case of a referendum, the documents to be forwarded under paragraphs (1) and (3A)(a) are to be forwarded to the relevant registration officer determined in accordance with the Neighbourhood Planning Referendums Rules or the Neighbourhood Planning Referendums (Combination of Polls) Rules as the case may be.]

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

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

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

[^{F37}Regulation 116 (interpretation of Part 7)]

[^{F37}Regulation 118 (inspection of documents open to public inspection)]

[^{F37}Regulation 119 (conditions on the use, supply and disclosure of documents open to public inspection)]

In Schedule 3, Form E

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

After “European Parliamentary electoral region” insert “ Neighbourhood area ”.

After the words “*[European Parliamentary] election”, in both places where they occur, insert “ *[referendum] ”.

After the words “*[European Parliamentary electoral region]”, in both places where they occur, insert “ *[neighbourhood area] ”.

[^{F37}In Schedule 3, Form K

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

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

Textual Amendments

- F36** Words in Sch. 4 Pt. 1 Table 6 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **10(b)** (with reg. 1(7))
- F37** Words in Sch. 4 Pt. 1 Table 6 inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 10(a), **Sch. 2** (with reg. 1(7))
- F38** Words in Sch. 4 Pt. 1 Table 6 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **10(c)** (with reg. 1(7))
- F39** Words in Sch. 4 Pt. 1 Table 6 omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **10(d)** (with reg. 1(7))
- F40** Words in Sch. 4 Pt. 1 Table 6 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **10(e)** (with reg. 1(7))

Marginal Citations

- M65** [S.I. 2001/341](#); as amended by [S.I. 2001/1700](#), [2002/1871](#), [2004/226](#), [2005/2114](#), [2006/752](#), [2006/1694](#), [2006/2910](#), [2007/1025](#), [2008/1901](#)/ [2009/1182](#), [2010/231/2010/882](#), [2011/2085](#) and by paragraph 9 of Schedule 1 to the [Counter-Terrorism Act 2008 \(c. 28\)](#) and Part 3 of Schedule 4 to the [Parliamentary Voting System and Constituencies Act 2011 \(c.1\)](#).
- M66** Amended by [SI 2006/2910](#).

PART 2

The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004

1. The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004^{M67} have effect subject to the following modifications.

Marginal Citations

M67 [S.I. 2004/294](#).

2. In regulation 2 (interpretation)—

- (a) in paragraph (1), in the definition of “referendum”, after “[^{F41}the Local Authorities (Conduct of Referendums) (England) Regulations 2012]” insert “ or a referendum held under Schedule 4B to the Town and Country Planning Act 1990 ”;
- (b) in paragraph (2) after “[^{F41}the Local Authorities (Conduct of Referendums) (England) Regulations 2012]” insert “ or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be) ”.

Textual Amendments

F41 Words in Sch. 4 Pt. 2 para. 2 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **11** (with reg. 1(7))

3. For regulation 4(8) substitute—

“(8) Subject to paragraph (9), where the polls at two or more referendums or polls at an election and referendum are taken together under section 15(3AA) of the 1985 Act—

- (a) the returning officer for each election or referendum shall decide which returning officer shall discharge those functions of the other (or others) which are specified in regulation 5, but the returning officer at a European Parliamentary election shall not discharge those functions; and
- (b) the only polling stations which shall be used at each election or referendum are the polling stations used at the election or referendum for which the returning officer who discharges the functions referred to in sub-paragraph (a) above acts as returning officer.”.

4.—(1) Regulation 5 (functions at combined polls) is amended as follows.

(2) In paragraph (1), after sub-paragraph (e) insert—

“(f) at a referendum held under Schedule 4B to the Town and Country Planning Act 1990, by those rules in regulations made under paragraph 16 of Schedule 4B to that Act which correspond to the rules specified in paragraph (2);”.

(3) In paragraph (3), after sub-paragraph (b) insert—

“(c) that regulation and that Part as applied by regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990.”.

5.—(1) In regulation 6(3) and (4) (modification of provisions about expenses in the 1983 Act) for “15(1) or (2)” substitute “ 15(1), (2) or (3AA) ”.

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- (2) In regulation 6(5)—
- (a) omit “and” at the end of sub-paragraph (a), and
 - (b) at the end of sub-paragraph (a) insert—
 - “(ab) the provisions in regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 which correspond to that provision; and”.
6. In regulation 8 (modification of parliamentary elections rules)—
- (a) omit “or” at the end of sub-paragraph (a); and
 - (b) after sub-paragraph (b) insert—
 - “or
 - (c) the poll at a referendum held under Schedule 4B to the Town and Country Planning Act 1990,”.
7. In Schedule 2 (modifications to parliamentary elections rules)—
- (a) in paragraph 2, in the definition of “referendum” after “[^{F42}the Local Authorities (Conduct of Referendums) (England) Regulations 2012]” insert “ or a referendum held under Schedule 4B to the Town and Country Planning Act 1990 ”;
 - (b) in paragraph 3(a) after “[^{F42}the Local Authorities (Conduct of Referendums) (England) Regulations 2012]” insert “ or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be) ”;
 - (c) in paragraph 22, in substituted sub-paragraph (1AC)(b), after “ the Local Government Act 2000 ” insert “ or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”.

Textual Amendments

- F42** Words in Sch. 4 Pt. 2 para. 7 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **11** (with reg. 1(7))

PART 3

Other secondary legislation about combination of polls

8.—(1) The following enactments have effect subject to the modifications mentioned in regulation 13(2)(a) and (3) and the additional modifications in paragraphs 9 to 39—

- (a) the European Parliamentary Elections Regulations 2004 ^{M68};
- (b) the Local Elections (Principal Areas) (England and Wales) Rules 2006 ^{M69};
- (c) the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 ^{M70};
- (d) the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 ^{M71};
- (e) the Greater London Authority Elections Rules 2007 ^{M72};
- (f) the Local Authorities (Conduct of Referendums) (England) Regulations 2012 ^{M73};
- (g) the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 ^{M74};
- (h) the Police and Crime Commissioner Elections Order 2012 ^{M75}.

Marginal Citations

- M68 [S.I. 2004/293](#).
- M69 [S.I. 2006/3304](#).
- M70 [S.I. 2006/3305](#).
- M71 [S.I. 2007/1024](#).
- M72 [S.I. 2007/3541](#).
- M73 [S.I. 2012/323](#).
- M74 [S.I. 2012/444](#).
- M75 [S.I. 2012/1917](#).

The European Parliamentary Elections Regulations 2004

9. The European Parliamentary Elections Regulations 2004 have effect with the additional modifications set out in paragraphs 10 to 14.

10. In regulation 2 ^{M76} (interpretation), in the definition of “referendum” after “the Local Authorities (Conduct of Referendums) (England) Regulations 2007” insert “ or a referendum held under Schedule 4B to the Town and Country Planning Act 1990 ”.

Marginal Citations

- M76 Regulation 2 was amended by [S.I. 2009/186](#).

11. In regulation 11 (combination of polls)—

- (a) omit “or” at the end of sub-paragraph (a); and
- (b) after sub-paragraph (b) insert—

“or

- (c) the poll at a referendum held under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums),”.

12. In paragraph 23(4) and (5) of Schedule 1 (European Parliamentary Elections Rules)—

- (a) omit “or” and the end of paragraph (a); and
- (b) after paragraph (b) insert—

“or

- (c) the poll at a referendum held under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums),”.

13. In Schedule 2 (absent voting)—

- (a) in paragraph 17(9), after “Local Government Act 2000,” insert “ or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums) ”;
- (b) in paragraph 40(1), after sub-paragraph (d), in the definition of “relevant election or referendum” insert “ (e) referendum conducted in accordance with regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”;
- (c) omit paragraph 40(2)(a);
- (d) in paragraph 40(2)(b), (c), and (d) after “that regulation” in each place insert “ or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be) ”; and

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- (e) in paragraph 41—
 - (i) omit “or” and the end of paragraph (a); and
 - (ii) after paragraph (b) insert—
 - “or
 - (c) the poll at a referendum held under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums),”.

14. In Schedule 3 (modification of European Parliamentary elections rules for combined polls), in paragraph 2(2)(a) after the Local Authorities (Conduct of Referendums) (England) Regulations 2007 insert “ or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be) ”.

The Local Elections (Principal Areas) (England and Wales) Rules 2006

15. The Local Elections (Principal Areas) (England and Wales) Rules 2006 have effect with the additional modifications set out in paragraphs 16 and 17.

- 16.** In rule 2 (interpretation)—
- (a) in paragraph (1) in the definition of “counting observer”, “counting officer”, “polling observer” and “referendum” after “[^{F43}the Local Authorities (Conduct of Referendums) (England) Regulations 2012]” in each place insert “ or the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be) ”;
 - (b) omit paragraph (3)(a).

Textual Amendments

F43 Words in Sch. 4 Pt. 2 para. 16 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **11** (with reg. 1(7))

17. In Schedule 3 (rules for conduct of an election of councillors of a principal area where the poll is taken together with the poll at a relevant election or referendum), in rule 45(5)(b) after “the Local Government Act 2000,” insert “ or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”.

The Local Elections (Parishes and Communities) (England and Wales) Rules 2006

18. The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 have effect with the additional modifications set out in paragraphs 19 and 20.

- 19.** In rule 2(1) (interpretation)—
- (a) in the definition of “counting officer” after “[^{F44}the Local Authorities (Conduct of Referendums) (England) Regulations 2012]” insert “ or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be) ”;
 - (b) in the definition of “referendum” after “[^{F44}the Local Authorities (Conduct of Referendums) (England) Regulations 2012]” insert “ or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”.

Textual Amendments

- F44** Words in Sch. 4 Pt. 2 para. 19 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **11** (with reg. 1(7))

20. In Schedule 3 (rules for conduct of an election of councillors of a parish or community where the poll is taken together with the poll at a relevant election or referendum), in rule 45(4)(b) after “Local Government Act 2000,” insert “ or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”.

The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007

21. The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 have effect with the additional modifications set out in paragraphs 22 and 23.

22. In regulation 2 (interpretation), in the definition of “the Referendums Regulations” after “[^{F45}the Local Authorities (Conduct of Referendums) (England) Regulations 2012]” insert “ or the Neighbourhood Planning (Referendums) Regulations 2012 ”.

Textual Amendments

- F45** Words in Sch. 4 Pt. 2 para. 22 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **11** (with reg. 1(7))

23. In Schedule 3 (mayoral election (combination of polls) rules), in paragraph 47(4) after “the Local Government Act 2000” insert “ or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”.

The Greater London Authority Elections Rules 2007

24. The Greater London Authority Elections Rules 2007 have effect with the additional modifications set out in paragraphs 25 to 30.

25. In rule 2(1) (interpretation) in the definition of “referendum” after “the Referendum Regulations” insert “ or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”.

26. In rule 5(1) (rules for Authority elections combined with a relevant election or referendum)—

(a) omit “or” and the end of sub-paragraph (a); and

(b) after sub-paragraph (b) insert—

“or

(c) the poll at a referendum held under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums).”.

27. In Schedule 5 (the constituency members election rules)—

(a) in paragraph 2(1)—

(i) in the definition of “counting observer”, “counting officer” and “polling observer” after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” in each place insert “ or the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be) ”;

(ii) in the definition of “referendum” after “the Referendum Regulations” insert “ or the Neighbourhood Planning (Referendums) Regulations 2012 ”;

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- (iii) in paragraph (d) of the definition of “relevant election or referendum” after “the Local Government Act 2000” insert “ or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”.
 - (b) omit paragraph 2(2)(a); and
 - (c) in paragraph 49(2)(b) after “the Local Government Act 2000” insert “ or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”.
- 28.** In Schedule 6 (the London members election rules)—
- (a) in paragraph 2(1)—
 - (i) in the definition of “counting observer”, “counting officer” and “polling observer” after “the Referendum Regulations” in each place insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be);
 - (ii) in the definition of “referendum” after “the Referendum Regulations” insert “ or the Neighbourhood Planning (Referendums) Regulations 2012 ”;
 - (iii) in paragraph (d) of the definition of “relevant election or referendum” after “the Local Government Act 2000” insert “ or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”.
 - (b) omit paragraph 2(2)(a); and
 - (c) in paragraph 50(2)(b) after “the Local Government Act 2000” insert “ or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”.
- 29.** In Schedule 7 (the Mayoral election rules)—
- (a) in paragraph 2(1)—
 - (i) in the definition of “counting observer”, “counting officer” and “polling observer” after “the Referendum Regulations” in each place insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be);
 - (ii) in the definition of “referendum” after “the Referendum Regulations” insert “ or the Neighbourhood Planning (Referendums) Regulations 2012 ”;
 - (iii) in paragraph (d) of the definition of “relevant election or referendum” after “the Local Government Act 2000” insert “ or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”.
 - (b) omit paragraph 2(2)(a); and
 - (c) in paragraph 49(2)(b) after “the Local Government Act 2000” insert “ or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”.
- 30.** In Schedule 8 (combined manual count rules) in paragraph 2(1) in paragraph (d) of the definition of “relevant election or referendum” after “the Local Government Act 2000” insert “ or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 ”.

The Local Authorities (Conduct of Referendums) (England) Regulations 2012

31. The Local Authorities (Conduct of Referendums) (England) Regulations 2012 have effect with the additional modifications set out in paragraphs 32 to 34.

32. In regulation 2(1) (interpretation), in the definition of “relevant election or referendum” after sub-paragraph (f) insert—

“(g) a referendum held under Schedule 4B to the Town and Country Planning Act 1990.”.

33. In regulation 10 (combination of polls: general) after paragraph (8) add—

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“(9) Where the poll at the referendum is to be taken on the same day as the poll is to be taken at a referendum held under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums), the polls may be taken together if the counting officer for each of those referendums thinks fit.”.

34. In regulation 11 (combination of referendums and election polls: conduct of referendums) in paragraph (1) for “10(1) or (5)” substitute “ 10(1), (5) or (9) ”.

The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012

35. The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 have effect with the additional modifications set out in paragraph 36.

36. In regulation 17(3) (combination and timing of polls: general)—

(a) omit “or” and the end of sub-paragraph (o); and

(b) after sub-paragraph (p) insert—

“or

(q) a referendum held by the relevant council under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums).”.

The Police and Crime Commissioner Elections Order 2012

37. The Police and Crime Commissioner Elections Order 2012 ^{M77} have effect with the additional modifications set out in paragraphs 38 and 39.

Marginal Citations

M77 [S.I. 2012/1917](#).

38. In article 2(1) (interpretation), in the definition of “local referendum” after paragraph (c) insert—

“(d) a referendum under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums).”.

39. In Schedule 4, after paragraph 13(4) insert—

“(5) In relation to a referendum under Schedule 4B to the Town and Country Planning Act 1990, expressions used in this Part of this Schedule are to be read as follows—

“counting agent” means a counting observer as defined by regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012;

“counting officer” means a person referred to in regulation 2 of those Regulations;

“polling agent” means a polling observer as defined in regulation 2 of those Regulations;

“elector” means voter as defined by rule 2 of the Neighbourhood Planning Referendums Rules contained in Schedule 3 of those Regulations or rule 2 of the Neighbourhood Planning Referendums (Combination of Polls) Rules contained in Schedule 5 to those Regulations.”.

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SCHEDULE 5

Regulation 12

THE NEIGHBOURHOOD PLANNING REFERENDUMS (COMBINATION OF POLLS) RULES

PART 1

Citation and Interpretation

Citation

1. These Rules may be cited as the Neighbourhood Planning Referendums (Combination of Polls) Rules.

Interpretation

2.—(1) In these Rules—

“polling agent” means a person appointed as such under—

- (a) rule 30 of Schedule 1 to the Representation of the People Act 1983,
- (b) rule 30 of Schedule 1, paragraph 31 of Schedule 2 or paragraph 30 of Schedule 3, to the Greater London Authority Elections Rules 2007^{M78};
- (c) rule 29 of Schedule 1 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007^{M79};
- (d) rule 27 of Schedule 2 to the Local Elections (Parishes and Communities) (England and Wales) Rules 2006^{M80};
- (e) rule 27 of Schedule 2 to the Local Elections (Principal Areas) (England and Wales) Rules 2006^{M81};
- (f) rule 33 of Schedule 1 to the European Parliamentary Elections Regulations 2004^{M82};
- (g) rule 31 of Schedule 3 to the Police and Crime Commissioner Elections Order 2012^{M83};

“relevant returning or counting officer” means the returning or counting officer (as the case may be) discharging the functions under regulation 5 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004^{M84}; and

“voter” means a person entitled to vote on their own behalf.

(2) References to the register of local government electors (other than a reference to a person's number on the register) must be construed as references to the part or parts of the register or registers of local government electors which has or have effect in respect of the referendum area.

(3) References to the relevant registration officer are to—

- (a) the registration officer of the relevant council;
- (b) if the referendum area comprises any part of the area of more than one relevant council, 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 electors is registered.

(4) Other expressions used both in these Rules and in the 1983 Act (as it applies to local government elections) have the same meaning in these Rules as they have in that Act.

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Marginal Citations

M78 [S.I. 2007/3541](#).

M79 [S.I. 2007/1024](#).

M80 [S.I. 2006/3305](#).

M81 [S.I. 2006/3304](#).

M82 [S.I. 2004/293](#).

M83 [S.I. 2012/1917](#).

M84 [S.I. 2004/294](#); as amended by [S.I. 2006/3278](#) and as modified by these Regulations.

PART 2

Provisions as to Time

Timetable

3. The proceedings at the referendum are to be conducted in accordance with the following Timetable.

Timetable

<i>Proceedings</i>	<i>Time</i>
Publication of notice of referendum	Not later than the twenty-fifth day before the day of the referendum.
Notice of poll	Not later than the sixth day before the day of the referendum.
Polling	Between the hours of 7 in the morning and 10 at night on the day of the referendum.

Computation of time

4. In computing any period of time for the purposes of the Timetable the days mentioned in regulation 4(5) are to be disregarded, and any such day is not to be treated as a day for the purpose of any proceedings up to the completion of the poll nor is the relevant returning or counting officer, nor the counting officer obliged to proceed with the counting of the votes on such a day.

PART 3

General Provisions

Notice of referendum

5.—(1) The counting officer must publish notice of the referendum, stating the date of the poll.
 (2) The notice of referendum must state the date by which—
 (a) applications to vote by post or by proxy; and
 (b) other applications and notices about postal or proxy voting,
 must reach the registration officer in order that they may be effective for the referendum.

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Poll to be taken by ballot

6. A poll must be taken at the referendum and the votes at the poll must be given by ballot.

The ballot papers

- 7.—(1) The ballot of every person entitled to vote at the referendum must consist of a ballot paper.
- (2) Every ballot paper to be used in the referendum must be in the form set out in Form 1, 2 or 3 in the Appendix (as the case may be).
- (3) Every ballot paper—
 - (a) must be capable of being folded up;
 - (b) must have a number and other unique identifying mark printed on the back; and
 - (c) must be a different colour from the ballot papers used at any relevant election.

The corresponding number list

- 8.—(1) Subject to paragraph (2), the relevant returning or counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by that officer in pursuance of rule 14(1) or provided by that officer in pursuance of rule 18(1).
- (2) Where proceedings on the issue and receipt of postal ballot papers in the referendum are not taken together with such proceedings at one or more relevant elections, the counting officer must prepare the list mentioned in paragraph (1) in respect of all of the ballot papers to be issued by the officer in pursuance of rule 14(1).
- (3) The list must be in the form set out in Form 4 in the Appendix or a form to like effect.

The official mark

- 9.—(1) Every ballot paper must contain an appropriate security marking (the official mark).
- (2) The official mark must be kept secret.
- (3) The counting officer may use a different official mark for different purposes at the same referendum.

Prohibition of disclosure of vote

10. No person who has voted at the referendum is, in any legal proceeding to question the referendum, required to state for which answer that person has voted.

Use of schools and public rooms

- 11.—(1) The counting officer and the relevant returning or counting officer may use, free of charge, for the relevant purposes of taking the poll or counting the votes—
 - (a) a room in a school maintained or assisted by a local authority (as defined in the Education Act 1996 ^{M85}) or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
 - (b) a room the expense of maintaining which is payable out of any rate.
- (2) That officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.
- (3) In paragraph (1) “relevant purposes” means—

- (a) in the case of the counting officer, the counting of the votes; and
- (b) in the case of the relevant returning or counting officer, the taking of the poll and the discharging of the functions under rule 37(1).

Marginal Citations

M85 1996 c.56.

Cross-boundary referendum areas

12.—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.

(2) Where this rule applies, the Chief Counting Officer must ensure, as far as practicable, that any ballot paper or other document issued in relation to the referendum is in the same form (except for necessary changes) and is issued on the same date in respect of each relevant council.

PART 4

Action to be Taken Before the Poll

Notice of poll

13.—(1) The counting officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll; and
- (b) the question to be asked in the referendum.

(2) The notice of the poll must be published no later than the sixth day before the date of the referendum.

(3) The relevant returning or counting officer must, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the situation of each polling station; and
- (b) the description of persons entitled to vote there.

(4) The notice published under paragraph (3) must—

- (a) state that the poll at the referendum is to be taken together with the poll at a relevant election;
- (b) specify the parliamentary constituency, electoral area, local counting area, Assembly constituency, voting area or, as the case may be, the relevant local authority area for which the relevant election is held; and
- (c) where any of the polls are to be taken together in part of the area only, specify that part.

Postal ballot papers

14.—(1) The relevant returning or counting officer must, in accordance with regulations made under the 1983 Act ^{M86}, issue to those entitled to vote by post a ballot paper and a postal voting statement in the form set out in Form 6 or 7 in the Appendix (as the case may be), or a form to like effect, together with such envelopes for their return as may be prescribed by such regulations.

(2) The relevant returning or counting officer must also issue to those entitled to vote by post such information as the officer thinks appropriate about how to obtain—

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- (a) translations into languages other than English of any directions to or guidance for voters and proxies sent with the ballot paper;
 - (b) a translation into Braille of such directions or guidance;
 - (c) graphical representations of such directions or guidance;
 - (d) the directions or guidance in any other form (including any audible form).
- (3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the voter or proxy.
- (4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the relevant returning or counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter or proxy.
- (5) In paragraphs (1), (2) and (4) for “relevant returning or counting officer” substitute “counting officer” where proceedings on the issue and receipt of ballot papers at the referendum are not taken together with such proceedings at one or more relevant elections.

Marginal Citations

M86 See the [Representation of the People \(England and Wales\) Regulations 2001 \(S.I. 2001/341\)](#) as amended by [S.I. 2001/1700](#), [2002/1871](#), [2004/226](#), [2006/752](#) and [2006/2910](#).

Provision of polling stations

15.—(1) The relevant returning or counting officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot polling stations to voters in such manner as the relevant returning or counting officer thinks most convenient.

(2) The polling stations are the polling places or polling stations (as the case may be) designated for the purposes of the relevant election for which the relevant returning or counting officer discharges functions which are not combined functions.

(3) In paragraph (2) “combined functions” means functions under regulation 5 of the [Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004](#).

(4) One or more polling stations may be provided in the same room.

(5) The polling station allotted to voters from any parliamentary polling district wholly or partly within the referendum area must, in the absence of special circumstances, be in the parliamentary polling place for that district.

(6) The relevant returning or counting officer must provide each polling station with such number of compartments as may be necessary in which the voters and proxies can mark their votes screened from observation.

Appointment of presiding officers and polling clerks

16.—(1) The relevant returning or counting officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the referendum.

(2) The relevant returning or counting officer may, if that officer thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer apply to a relevant returning or counting officer so presiding with the necessary modifications as to things to be done by the relevant returning or counting officer to the presiding officer or by the presiding officer to the relevant returning or counting officer.

(3) A presiding officer may do, by the clerks appointed to assist the officer, any act (including the asking of questions) which the officer is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

17.—(1) The counting officer must as soon as practicable after the publication of the notice of the referendum send to each voter and proxy an official poll card.

(2) The official poll card must be sent or delivered—

- (a) in the case of a voter, to the voter's qualifying address; and
- (b) in the case of a proxy, to the proxy's address as shown in the list of proxies.

(3) The official poll card must be in the form set out in Form 8, 9, 10 or 11 in the Appendix (as the case may be), or a form to like effect, and must set out—

- (a) the name of the relevant council and of the neighbourhood area;
- (b) the name of the voter, the voter's qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the voter's polling station;
- (d) such other information as the counting officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different voters or to different descriptions of voter.

(4) In the case of a voter who has an anonymous entry in the register, instead of containing the matter mentioned in paragraph (3)(b), the poll card must contain such matter as is specified in the appropriate form in the Appendix.

(5) In this rule references to a voter—

- (a) are to a person who is registered in the register of local government electors on the last day for the publication of notice of the referendum; and
- (b) include a person then shown in the register as below voting age if (but only if) it appears from the register that the person will be of voting age on the day fixed for the poll.

(6) If the returning officer (or, as the case may be, the counting officer) for each relevant election and the counting officer for the referendum think fit, an official poll card issued under this rule may be combined with the official poll card issued at every relevant election.

Equipment of polling stations

18.—(1) The relevant returning or counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the counting officer's opinion may be necessary.

(2) The same ballot box may be used for the poll at the referendum and the poll at every relevant election, if the relevant returning or counting officer thinks fit.

(3) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(4) The relevant returning or counting officer must provide each polling station with—

- (a) materials to enable voters and proxies to mark the ballot papers;
- (b) copies of such part of the register of electors as contains the names of the voters who have the station allotted to them;
- (c) the parts of any special lists prepared for the referendum corresponding to the register of electors or the part of it provided under sub-paragraph (b);

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- (d) a list, in the form set out in Form 5 in the Appendix or a form to like effect, consisting of that part of the list prepared under rule 8 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.
- (5) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act ^{M87} in respect of alterations to the register.
- (6) The relevant returning or counting officer must also provide each polling station with—
- (a) at least one large version of each ballot paper which must be printed on the same colour paper as the corresponding ballot paper and displayed inside the polling station for the assistance of voters and proxies who are partially sighted; and
 - (b) a device of such description as is set out in paragraph (11) for enabling voters and proxies who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 29(1)).
- (7) Where, notwithstanding paragraph (2), separate ballot boxes are to be used, each ballot box must be clearly marked—
- (a) as to the election or referendum to which it relates, as shown on the ballot papers for the election or referendum; and
 - (b) with the words “Place the [*specify colour of ballot papers in question*] ballot papers here”.
- (8) A notice in the form set out in Form 12 in the Appendix, giving directions for the guidance of voters and proxies in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.
- (9) The relevant returning or counting officer may also provide copies of the notice mentioned in paragraph (8) in Braille or translated into languages other than English as the counting officer considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.
- [^{F46}(10) In every compartment of every polling station there must be exhibited the notice—

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****PARLIAMENTARY ELECTION**

(*[Specify colour]* ballot paper)

Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.

***EUROPEAN PARLIAMENTARY ELECTION**

(*[Specify colour]* ballot paper)

Vote ONLY ONCE by putting a cross [X] in the box next to your choice.

****[Specify name of council]* COUNCIL ELECTION**

(*[Specify colour]* ballot paper)

*[Vote for NO MORE THAN ... CANDIDATES by putting a cross [X] in the box next to EACH of your choices]

*[Vote ONLY ONCE by putting a cross [X] in the box next to your choice].

***ELECTION OF THE MAYOR OF LONDON**

(*[Specify colour]* ballot paper)

#On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice.

***ELECTION OF THE LONDON ASSEMBLY**

#On the constituency members ballot paper (*[specify colour]*) vote for ONE candidate only.

#On the London members ballot paper (*[specify colour]*) vote for ONE party or individual candidate only.

REFERENDUM ON *[specify: neighbourhood plan, neighbourhood development order or community right to build order]* FOR *[specify name of neighbourhood area]*

(*[Specify colour]* ballot paper)

Vote only ONCE by putting a cross [X] in the box next to your choice.

****[Specify other]* ELECTION/REFERENDUM**

(*[Specify colour]* ballot paper)

[Specify voting instructions in accordance with the legislation governing the election or referendum]

PUT NO OTHER MARK ON THE BALLOT PAPER OR YOUR VOTE MAY NOT COUNT.

*[PLEASE DO NOT FOLD THE BALLOT PAPERS FOR *[specify the elections and/or referendum(s) at which the votes are to be counted electronically]*. Post them, face downwards, in the [**appropriate*] ballot box.]

**Complete or omit as necessary.*

#Alternatively, insert such information as the GLRO may decide.

1

(11) The device referred to in paragraph (6)(b) must—

- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper;
- (b) hold the ballot paper firmly in place during use; and
- (c) provide suitable means for the voter or proxy to—
 - (i) identify the spaces on the ballot paper on which they may mark their vote;

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- (ii) identify the registered party or individual candidate or answer to which each such space refers; and
- (iii) mark their vote on the space they have chosen.

Textual Amendments

F46 Sch. 5 rule 18(10) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 12 (with reg. 1(7))

Marginal Citations

M87 Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the [Representation of the People Act 2000 \(c.2\)](#) and section 13(3B) and (3D) were inserted by section 11(4) of the [Electoral Administration Act 2006 \(c.22\)](#).

Appointment of polling observers and counting observers

19.—(1) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation (“polling observers”).

(2) Where the counting officer is not the relevant returning or counting officer, the counting officer must give notice in writing of the appointments of polling observers to the relevant returning or counting officer.

(3) That notice must state the names and addresses of the persons appointed and must be given not later than the fifth day (disregarding any day specified in rule 4) before the day of the poll.

(4) Not more than four polling observers or polling agents, or such greater number as the relevant returning or counting officer may by notice allow, are permitted to attend at any particular polling station and if the number of such polling observers or agents exceeds that number, the relevant returning or counting officer must determine which polling observer or agents are permitted to attend by lot and only the polling observers and agents on whom the lot falls is deemed to have been duly appointed.

(5) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).

(6) Where the counting officer is not the relevant returning or counting officer, the counting officer must give notice in writing of the appointments of counting observers to the relevant returning or counting officer as soon as is practicable following the appointment.

(7) In the following provisions of these Rules references to polling observers and counting observers are to be taken as references to polling observers and counting observers whose appointments have been duly made.

(8) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling observers or counting observers, the non-attendance of any such person at the time and place appointed for the purpose does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

20.—(1) The relevant returning or counting officer must make such arrangements as the officer thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter or proxy with disabilities to vote or as a constable on duty there) has been

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given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act ^{M88}, as applied by Schedule 4; and

- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section, as applied by Schedule 4.

[^{F47}(2) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).]

Textual Amendments

F47 Sch. 5 rule 20(2) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 13 (with reg. 1(7))

Marginal Citations

M88 Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(b) and 96 of Schedule 1 to the [Electoral Administration Act 2006 \(c.22\)](#); subsection (6) was amended by paragraph 3 of Schedule 3 to the [Representation of the People Act 1985 \(c.50\)](#).

Return of postal ballot papers

21.—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list; or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the relevant returning or counting officer must mark the list in the manner prescribed by regulations made under the 1983 Act ^{M89}.

(2) In paragraph (1) for “relevant returning or counting officer” substitute “counting officer” where proceedings on the issue and receipt of postal ballot papers at the referendum are not taken together with such proceedings at one or more relevant elections.

(3) Rule 37(5) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

Marginal Citations

M89 See regulation 84(7) of the [Representation of the People \(England and Wales\) Regulations 2001 \(S.I. 2001/341\)](#), as amended by [S.I. 2006/2910](#).

PART 5

The Poll

Admission to polling station

22.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters and proxies;
- (b) persons under the age of 18 who accompany voters and proxies to the polling station;

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- (c) the polling observers appointed to attend at the polling station;
- (d) the clerks appointed to attend at the polling station;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 ^{M90};
- (f) the constables on duty;
- (g) the companions of voters and proxies with disabilities and
- (h) persons entitled to be admitted to the polling station at a relevant election with which the poll at the referendum is combined.

(2) The presiding officer must regulate the total number of voters, proxies and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) A constable or person employed by the counting officer or a relevant returning or counting officer must not be admitted to vote in person elsewhere than at the polling station allotted to them under these Rules, except on production and surrender of a certificate as to their employment which must be in the form set out in Form 13 in the Appendix, or a form to like effect, and signed by an officer of police of or above the rank of inspector or by the counting officer or the relevant returning or counting officer by whom the person is employed, as the case may be.

(4) Any certificate surrendered under this rule must forthwith be cancelled.

[^{F48}(5) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).]

Textual Amendments

F48 Sch. 5 rule 22(5) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 14 (with reg. 1(7))

Marginal Citations

M90 2000 c.41. Sections 6A to 6D were inserted by section 29 of the [Electoral Administration Act 2006 \(c.22\)](#).

Keeping of order in station

23.—(1) It is the presiding officer's duty to keep order at the presiding officer's polling station.

(2) If a person misconducts themselves in a polling station, or fails to obey the presiding officer's lawful orders, that person may immediately, by the presiding officer's order, be removed from the polling station—

- (a) by a constable in or near that station; or
- (b) by any other person authorised in writing by the relevant returning or counting officer to remove the person,

and the person so removed may not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a voter or proxy who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

24. Immediately before the commencement of the poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place the officer's seal on it in such a manner as to prevent the box being opened without breaking the seal and must place the box in the officer's view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

Questions to be put to voters and proxies

25.—(1) At the time of the application for a ballot paper (but not afterwards), the questions specified in the following Table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the Table; and
- (b) must be put if the letter “R” appears after the question and a polling observer requires the question to be put:

Table

<i>Q no</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as a voter	(a)—Are you the person registered in the register of local government electors for this referendum area as follows? <i>(read the whole entry from the register)</i> [R] (b)—Have you already voted here or elsewhere at this referendum, otherwise than as proxy for some other person? [R]
2	A person applying as proxy	(a)—Are you the person whose name appears as AB in the list of proxies for this referendum area as entitled to vote as proxy on behalf of CD? [R] (b)—Have you already voted here or elsewhere at this referendum as proxy on behalf of CD? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of CD? [R]
3	A person applying as proxy for a voter with an anonymous entry (instead of the questions at entry 2)	(a)—Are you the person entitled to vote as proxy on behalf of the voter whose number on the register of electors is <i>(read out the number)</i> ? [R] (b)—Have you already voted here or elsewhere as proxy on behalf of the voter whose number on the register of electors is <i>(read out the number)</i> ? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild

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- of the person whose number on the register of electors is (*read out the number*)? [R]
- 4 A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative Have you already voted at this referendum on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R]
- 5 A person applying as a voter in relation to whom there is an entry in the postal voters list (a)—Did you apply to vote by post?
(b)—Why have you not voted by post?
- 6 A person applying as proxy who is named in the proxy postal voters list (a)—Did you apply to vote by post as proxy?
(b)—Why have you not voted by post as proxy?

(2) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register are taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless that person has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry is permitted as to the right of any person to vote.

Challenge of voter or proxy

26. A person must not be prevented from voting by reason only that—

- (a) any polling observer permitted to be present in accordance with rule 22(1) declares that the polling observer has reasonable cause to believe that the person has committed an offence of personation; or
- (b) the person is arrested on the grounds that the person is suspected of committing or of being about to commit such an offence.

Voting procedure

27.—(1) A ballot paper must be delivered to a voter or proxy who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the voter as stated in the copy of the register of electors must be called out;
- (b) the number of the voter as stated in the register must be marked on the list mentioned in rule 18(4)(d) beside the number of the ballot paper to be issued;
- (c) a mark must be placed in the copy of the register of electors against the number of the voter to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against their name in the list of proxies.

(2) A voter who has an anonymous entry must show the presiding officer their official poll card and only their number is to be called out in pursuance of paragraph (1)(a).

(3) In the case of a voter who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

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- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “ copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act ”;
- (b) in sub-paragraph (b), for “in the register” substitute “ in the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act ”;
- (c) in sub-paragraph (c), for “in the copy of the register of electors” substitute “ on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act ”.

(4) The voter or proxy, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark their ballot paper and fold it up so as to conceal their vote, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

(5) The voter or proxy must vote without undue delay, and must leave the polling station as soon as the voter or proxy has put the ballot paper into the ballot box.

[^{F49}(5A) A voter or proxy who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter or proxy accordingly.]

(6) The same copy of the register of electors which is used under paragraph (1) for the referendum or, where paragraph (3) applies, the same copy of the notice issued under section 13(3B) or (3D) of the 1983 Act, may be used for each relevant election, and—

- (a) one mark may be placed in that copy of the register or on that notice under paragraph (1) (c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been issued in respect of each relevant election and the referendum; but
- (b) where a ballot paper has not been issued in respect of a relevant election, a different mark must be placed in the copy of that register or, as the case may be, on that notice or in that list so as to identify each relevant election in respect of which a ballot paper was issued.

Textual Amendments

F49 Sch. 5 rule 27(5A) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 15 (with reg. 1(7))

Votes marked by presiding officer

28.—(1) The presiding officer, on the application of a voter or proxy—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules; or
- (b) who declares orally that the voter or proxy is unable to read,

must, in the presence of the polling observers (if any), cause that person's vote to be marked on a ballot paper in the manner directed by that person, and the ballot paper to be placed in the ballot box.

(2) The name and number in the register of electors of every person whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called “the list of votes marked by the presiding officer”).

(3) In the case of a person voting as proxy for a voter, the number to be entered together with the proxy's name is the number in the register of the voter.

(4) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for “in the register of electors of every person”

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there were substituted “ relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act ”.

(5) The same list may be used for the referendum and each relevant election and, where it is so used, an entry in that list means that the ballot papers were so marked in respect of the referendum and each relevant election, unless the list identifies the relevant election or the referendum at which the ballot paper was so marked.

Voting by persons with disabilities

29.—(1) If a voter or proxy makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other disability; or
- (b) inability to read,

to vote with the assistance of another person by whom the voter or proxy is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter or proxy to declare, orally or in writing, whether the voter or proxy is so incapacitated by blindness or other disability, or by the voter or proxy's inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter or proxy is so incapacitated or unable to read; and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a voter or proxy with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of this rule; and
 - (ii) has not previously assisted more than one voter or proxy with disabilities to vote at the referendum,

the presiding officer must grant the application, and then anything which is by these Rules required to be done to or by that voter or proxy in connection with the giving of their vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these Rules, a person is a voter or proxy with disabilities if that person has made such a declaration as is mentioned in paragraph (1), and a person is qualified to assist a voter or proxy with disabilities to vote if that person—

- (a) is a person who is entitled to vote on their own behalf at the referendum; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter or proxy and has attained the age of 18 years.

(4) The name and number in the register of electors of every person whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the list of voters or proxies with disabilities assisted by companions”).

(5) In the case of a person voting as proxy for a voter, the number to be entered together with the proxy's name is the number in the register of the voter.

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every person” there were substituted “ relating to every person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act ”.

(7) The same list may be used for the referendum and each relevant election and, where it is so used, an entry in that list means that the votes were so given in respect of the referendum and each relevant election, unless the list identifies the relevant election or the referendum at which the vote was so given.

- (8) The declaration made by the companion of a voter or proxy with disabilities—
 - (a) must be in the form set out in Form 14 in the Appendix;
 - (b) must be made before the presiding officer at the time when the voter or proxy applies to vote with the assistance of a companion; and
 - (c) must forthwith be given to the presiding officer who must attest and retain it.
- (9) No fee or other payment may be charged in respect of the declaration.

Tendered ballot papers: circumstances where available

- 30.**—(1) If a person, representing themselves to be—
- (a) a particular voter named on the register and not named in the absent voters list; or
 - (b) a particular person named in the list of proxies as proxy for a voter and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the voter or the voter's proxy, the applicant is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 31, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter or proxy.

- (2) Paragraph (4) applies if—
 - (a) a person applies for a ballot paper representing themselves to be a particular voter named on the register;
 - (b) that person is also named in the postal voters list; and
 - (c) that person claims that that person did not make an application to vote by post at the referendum.
- (3) Paragraph (4) also applies if—
 - (a) a person applies for a ballot paper representing themselves to be a particular person named as a proxy in the list of proxies;
 - (b) that person is also named in the proxy postal voters list; and
 - (c) that person claims that the person did not make an application to vote by post as proxy.

(4) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 31, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter or proxy.

- (5) Paragraph (6) applies if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents themselves to be—
 - (a) a particular voter named on the register who is also named in the postal voters list; or
 - (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that the person has lost or has not received their postal ballot paper.

(6) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 31, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter or proxy.

Tendered ballot papers: general provisions

- 31.**—(1) A tendered ballot paper must—
- (a) be of a colour differing from that of the other ballot papers;

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- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the officer with the name of the person who has marked a tendered ballot paper and their number in the register of electors, and set aside in a separate packet.
- (2) The name of the person who has marked a tendered ballot paper and their number in the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).
- (3) The same list may be used for the referendum and each relevant election and, where it is so used, an entry in that list means that the tendered ballot papers were so marked in respect of the referendum and each relevant election, unless the list identifies the relevant election or the referendum at which a tendered ballot paper was marked.
- (4) In the case of a person voting as proxy for a voter, the number to be endorsed or entered together with the proxy's name is the number in the register of the voter.
- (5) In the case of a voter who has an anonymous entry, this rule and rule 30 apply subject to the following modifications—
- (a) in paragraphs (1)(b) and (2) above, the references to the name of the person who has marked a tendered ballot paper are ignored;
 - (b) otherwise, a reference to a person named in a register or list is construed as a reference to a person whose number appears in the register or list (as the case may be).
- (6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 30 apply as if—
- (a) in rule 30(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “ in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued ”;
 - (b) in paragraph (1)(b) of this rule for “their number in the register of electors” there were substituted “ the number relating to that person on a notice issued under section 13B(3B) or (3D) of the 1983 Act ”;
 - (c) in paragraph (2) of this rule, for “their number in the register of electors” there were substituted “ the number relating to that person on a notice issued under section 13B(3B) or (3D) of the 1983 Act ”;
 - (d) in paragraph (4) of this rule, for “the number in the register of the voter” there were substituted “ the number relating to the voter on a notice issued under section 13(3B) or (3D) of the 1983 Act ”.

Spoilt ballot papers

32. A voter or proxy who has inadvertently dealt with their ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to the presiding officer's satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

Correction of errors on day of poll

33.—(1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) The same list may be used for the referendum and each relevant election and, where it is so used, an entry in that list means that the ballot papers were issued in respect of the referendum and each relevant election, unless the list identifies the relevant election or the referendum for which a ballot paper was issued.

Adjournment of poll in case of riot

34.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings until the following day and must forthwith give notice to the relevant returning or counting officer.

(2) Where the poll is adjourned at any polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
- (b) references in these Rules to the close of the poll are construed accordingly.

Procedure on close of poll

35.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling observers (if any) appointed for the purposes of the referendum and the polling agents or observers appointed for the purposes of each relevant election, make up into separate packets, sealed with the presiding officer's own seal and the seals of such polling observers as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;
- (e) the lists prepared under rule 8 including the parts which were completed in accordance with rule 27(1)(b) (together referred to in these Rules as “the completed corresponding number lists”);
- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the list of voters and proxies with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters and proxies whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 33, and the declarations made by the companions of voters and proxies with disabilities,

and must deliver the packets or cause them to be delivered to the relevant returning or counting officer to be taken charge of by that person; but if the packets are not delivered by the presiding officer personally to the relevant returning or counting officer, the arrangements for their delivery require that officer's approval.

(2) The contents of the packets referred to in sub-paragraphs (1)(b), (c) and (f) must not be combined with the contents of the packets made under the corresponding rule that applies at any relevant election; nor is the statement prepared under paragraph (4) to be so combined.

(3) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(4) The packets must be accompanied by a statement (in these Rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to that officer, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

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

PART 6

Counting of Votes

Attendance at counting of votes

36.—(1) Where the counting officer at the referendum is the relevant returning or counting officer, the officer must—

- (a) make arrangements for—
 - (i) discharging the functions under rule 37(1) in the presence of the counting observers appointed for the purposes of the referendum and the election agents or observers appointed for the purpose of each relevant election as soon as practicable after the close of the poll, and
 - (ii) thereafter counting the votes at the referendum in the presence of the counting observers appointed for the purpose of the referendum; and
- (b) give to the counting observers appointed for the purposes of the referendum and the election agents or observers appointed for the purposes of each relevant election notice in writing of the time and place at which the counting officer will begin to discharge the functions under rule 37(1).

(2) Where the counting officer at the referendum is not the relevant returning or counting officer, the counting officer must—

- (a) make arrangements for counting the votes in the presence of the counting observers as soon as practicable after the delivery of ballot papers to the officer by the relevant returning or counting officer; and
- (b) give to the counting observers notice in writing of the time at which the counting officer will begin to count the votes if by then the officer has received the ballot papers and of the place at which the count will take place.

(3) No person other than—

- (a) the Chief Counting Officer, the counting officer and the counting officer's clerks;
- (b) the counting observers; and
- (c) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

may be present at the counting of the votes, unless permitted by the counting officer to attend.

(4) No person other than a person entitled to be present at the counting of the votes at the referendum or at a relevant election may be present at the proceedings under rule 37(1) unless permitted by the relevant returning or counting officer to attend.

(5) A person not entitled to attend at—

- (a) the proceedings under rule 37(1); or
- (b) the counting of the votes,

must not be permitted to do so by, respectively, the relevant returning or counting officer or counting officer unless the officer is satisfied that the efficient separation of the ballot papers or, as the case may be, the efficient counting of the votes will not be impeded.

(6) The—

- (a) relevant returning or counting officer, in respect of proceedings under rule 37(1); and
- (b) counting officer, in respect of the counting of the votes,

must give the counting observers all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the officer can give them consistent with the orderly conduct of the proceedings and the discharge of the officer's duties in connection with them.

(7) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting observers are entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

37.—(1) Where the counting officer at the referendum is the relevant returning or counting officer, the counting officer must—

- (a) in the presence of the counting observers appointed for the purposes of the poll at the referendum and the election agents and counting agents or observers appointed for the purposes of the poll at each relevant election, open each ballot box and record separately the number of ballot papers used in the referendum and each relevant election;
- (b) in the presence of the counting observers appointed for the purposes of the poll at the referendum and the election agents and counting agents or observers appointed for the purposes of the poll at each relevant election, verify each ballot paper account; and
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the referendum and each relevant election;
- (d) separate the ballot papers relating to the referendum from the ballot papers relating to each relevant election;
- (e) make up into packets the ballot papers for the referendum and each relevant election and seal them up in separate containers endorsing on each a description of the areas to which the ballot paper relates;
- (f) deliver or cause to be delivered to the counting officer for the referendum or the returning officer or counting officer for the relevant election to which the ballot paper relates—
 - (i) those containers, together with a list of them and of the contents of each; and
 - (ii) the ballot paper accounts together with, in the case of each such account, a copy of the statement as to the result of their verification in respect of that referendum or election; and
- (g) at the same time deliver or cause to be delivered to that officer packets that so relate containing—
 - (i) the unused and spoilt ballot papers,
 - (ii) the tendered ballot papers, and
 - (iii) the certificates as to employment on duty on the day of the poll.

(2) Where separate ballot boxes are used, no vote for any candidate or answer is rendered invalid by the ballot paper being placed in the incorrect ballot box.

(3) After completion of the proceedings under paragraph (1), the counting officer must mix together all of the ballot papers used at the referendum and count the votes given on them.

(4) Where the counting officer at the referendum is not the relevant returning or counting officer, the counting officer must—

- (a) on receipt of containers from the relevant returning or counting officer, and no earlier than the time specified in the notice given under rule 36(2)(b), in the presence of the counting observers open each container;
- (b) where proceedings on the issue and receipt of postal ballot papers are not taken together with such proceedings at a relevant election, count such of the postal ballot papers as have

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been duly returned and record the number counted; and mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them, and paragraph (11) does not apply to these proceedings.

- (5) A postal ballot paper must not be taken to be duly returned unless—
- (a) it is returned in the manner set out in paragraph (6) and reaches the relevant returning or counting officer or any polling station in the appropriate area before the close of the poll;
 - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (6) and reaches the relevant returning or counting officer or such a polling station before that time;
 - (c) the postal voting statement also states the date of birth of a voter or proxy; and
 - (d) in a case where steps for verifying the date of birth and signature of a voter or proxy have been prescribed by regulations made under the 1983 Act, the relevant returning or counting officer (having taken such steps) verifies that date of birth and that signature.

[^{F50}(5A) A postal ballot paper or postal voting statement that reaches the relevant returning or counting officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (5) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.]

- (6) The manner in which any postal ballot paper or postal voting statement may be returned—
- (a) to the relevant returning or counting officer, is by hand or by post;
 - (b) to a polling station, is by hand.
- (7) The appropriate area in respect of any voter or proxy is—
- (a) the area which is common to the parliamentary constituency, electoral area, local counting area, local authority area or voting area (as case may be) in which the polls at the referendum and any relevant election are being taken together; and
 - (b) in respect of which polls the voter or proxy has been issued with a postal ballot paper.

(8) In paragraphs (5)(a) and (d) and (6)(a) for “relevant returning or counting officer” substitute “counting officer” where proceedings on the issue and receipt of postal ballot papers at the referendum are not taken together with such proceedings at one or more relevant elections.

(9) The counting officer must not count any tendered ballot paper.

- (10) The—
- (a) relevant returning or counting officer, in respect of the proceedings under paragraph (1); and
 - (b) counting officer, while counting the votes,

must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(11) The relevant returning or counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoilt ballot papers in the officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting observer may copy.

(12) Where the referendum area comprises any part of the area of more than one relevant council, as soon as is practicable after the relevant returning or counting officer has drawn up the statement as to the result of the verification, the relevant returning or counting officer must inform the Chief Counting Officer of its content.

(13) The—

- (a) relevant returning or counting officer, in respect of the proceedings under paragraph (1), and
- (b) counting officer, in respect of the counting of votes,

must so far as practicable proceed continuously, allowing only time for refreshment, except that they may exclude the hours between 7 in the evening and 9 on the following morning.

(14) During the time so excluded the relevant returning or counting officer or counting officer (as the case may be) must—

- (a) place the ballot papers and other documents relating to the referendum under the officer's own seal and the seals of such of the counting observers as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

Textual Amendments

F50 Sch. 5 rule 37(5A) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 16 (with reg. 1(7))

Re-count

38.—(1) The counting officer may have the votes re-counted or again re-counted.

(2) Paragraphs (3) to (7) apply where the referendum area comprises any part of the area of more than one relevant council.

(3) As soon as practicable after the conclusion of the count (which includes any re-count whether or not directed under this rule), the counting officer must draw up a provisional statement showing—

- (a) the number of ballot papers counted by the counting officer;
- (b) the number of votes cast in favour of each answer to the question asked in the referendum.

(4) As soon as possible after completion of the provisional statement, the counting officer must inform the Chief Counting Officer of its contents.

(5) Once the Chief Counting Officer has received the report of any counting officer on the contents of that counting officer's provisional statement prepared under paragraph (3) and under rule 39(5), the Chief Counting Officer may direct the counting officer to re-count (or further re-count) the votes.

(6) A re-count directed by the Chief Counting Officer under paragraph (5) may be of the votes in the whole referendum area, or in the areas of such of the relevant councils falling within the referendum area as the Chief Counting Officer considers reasonable.

(7) A counting officer must proceed with a re-count as soon as practicable after receipt of the Chief Counting Officer's direction, and if not proceeding forthwith must notify those counting observers entitled to be present at the re-count of the time and place at which the counting officer will begin to re-count the votes.

Rejected ballot papers

39.—(1) Any ballot paper—

- (a) which does not bear the official mark; or
- (b) on which votes are given for more than one answer; or
- (c) on which anything is written or marked by which the voter or proxy can be identified except the printed number and other unique identifying mark on the back; or

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(d) which is unmarked or void for uncertainty,
is, subject to paragraph (2), void and must not be counted.

- (2) A ballot paper on which the vote is marked—
- (a) elsewhere than in the proper place; or
 - (b) otherwise than by means of a cross; or
 - (c) by more than one mark,

is not for such reason deemed to be void if an intention that the vote is for one or the other of the answers clearly appears, and the way the paper is marked does not itself identify the voter or proxy and it is not shown that the voter or proxy can be identified by it.

(3) The counting officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if any objection is made by a counting observer to the counting officer's decision.

(4) Subject to paragraph (5), the counting officer must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one answer;
- (c) writing or mark by which the voter or proxy could be identified;
- (d) unmarked or void for uncertainty.

(5) Where the referendum area comprises any part of the area of more than one relevant council, the statement referred to in paragraph (4) above is to be a provisional statement and as soon as practicable after the completion of that statement, the counting officer must inform the Chief Counting Officer of its contents.

Decisions on ballot papers

40. The decision of the counting officer on any question arising in respect of a ballot paper is final.

Equality of votes

41. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between the answers, the result is that there is no majority in favour of the making of the plan or order.

PART 7

Declaration of Result and Disposal of Documents

Declaration of result

42.—(1) This rule applies where rule 43 does not apply.

- (2) When the result of the poll has been ascertained, the counting officer must forthwith—
- (a) declare the result of the referendum;
 - (b) inform the proper officer of the relevant council of the result of the referendum;
 - (c) give public notice of—
 - (i) the result of the referendum;
 - (ii) the number of ballot papers counted;

- (iii) the total number of votes cast for each answer; and
- (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

Declaration of result: cross-boundary referendum areas

43.—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.

(2) When the Chief Counting Officer is satisfied the result of the poll has been ascertained, the Chief Counting Officer must direct the counting officers to draw up a final statement of the matters referred to in rule 38(3) and to provide final versions of their statements of rejected ballot papers.

(3) The counting officer, having drawn up the final statement, must—

- (a) forthwith inform the Chief Counting Officer of its contents; and
- (b) as soon as reasonably practicable give the Chief Counting Officer notice of the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(4) When authorised by the Chief Counting Officer to do so, each counting officer must—

- (a) make a declaration of the matters referred to in the final statement; and
- (b) give public notice of those matters together with the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.

(5) The Chief Counting Officer, having received notification of the final statement from each counting officer referred to in paragraph (2) must—

- (a) draw up a statement of—
 - (i) the total number of ballot papers counted, and
 - (ii) the total number of votes cast in favour of each answer to the question asked, in respect of the referendum;
- (b) declare the result of the referendum;
- (c) inform the proper officer of each relevant council of the result of the referendum;
- (d) give public notice of—
 - (i) the result of the referendum;
 - (ii) the number of ballot papers counted;
 - (iii) the total number of votes cast for each answer; and
 - (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

Sealing up of ballot papers

44.—(1) On the completion of the counting at a referendum the counting officer must seal up in separate packets the counted and rejected ballot papers.

(2) The counting officer must not open the sealed packets of—

- (a) tendered ballot papers;
- (b) certificates as to employment on duty on the day of the poll;

(3) The relevant returning or counting officer must not open the sealed packets of—

- (a) the completed corresponding number lists; or

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- (b) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery of documents to relevant registration officer

45.—(1) Where the counting officer is the relevant returning or counting officer, the counting officer must then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in the counting officer's possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts;
- (c) the tendered votes lists, the lists of voters and proxies with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 33, and the declarations made by the companions of voters and proxies with disabilities;
- (d) the packets of the completed corresponding number lists;
- (e) the packets of certificates as to employment on duty on the day of the poll; and
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents, the date of the referendum to which it relates and the name of the relevant council.

(2) Where the counting officer at the referendum is not the relevant returning or counting officer, the counting officer must then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in the counting officer's possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts; and
- (c) the packets of certificates as to employment on duty on the day of the poll,

endorsing on each packet a description of its contents, the date of the referendum to which it relates and the name of the relevant council.

Orders for production of documents

46.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer; or
- (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the relevant registration officer's custody,

may be made by a county court [^{F51}or the High Court], if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers [^{F51}or for the purpose of proceedings brought as mentioned in section 61N(3) of the 1990 Act].

^{F52}(2)

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons;
- (b) time;

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- (c) place and mode of inspection;
- (d) production or opening,

as the court making the order may think expedient.

(4) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular person has been given is not disclosed until it has been proved—

- (a) that their vote was given; and
- (b) that the vote has been declared by a competent court to be invalid.

(5) An appeal lies to the High Court from any order of a county court under this rule.

(6) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(7) Where an order is made for the production by the relevant registration officer of any document in the relevant registration officer's possession relating to any specified referendum—

- (a) the production by the relevant registration officer or that officer's agent of the document ordered in such manner as may be directed by that order is conclusive evidence that the document relates to the specified referendum; and
- (b) any endorsement on any packet of ballot papers so produced is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(8) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any referendum; and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

is prima facie evidence that the person whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13B(3B) or (3D) of the 1983 Act at the time of the referendum contained the same number as the number written as mentioned in sub-paragraph (b) of this paragraph.

(9) Save as by this rule provided, no person is to be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

Textual Amendments

- F51** Words in Sch. 5 rule 46(1) inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **8(2)(a)**
- F52** Sch. 5 rule 46(2) omitted (6.4.2013) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **8(2)(b)**

Retention of documents

47. The relevant registration officer must retain for one year all documents relating to a referendum forwarded to that officer in pursuance of these Rules by the relevant returning or counting officer and the counting officer, and then, unless otherwise directed by an order of a county court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

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Countermand or abandonment of poll at relevant election on death of candidate

48. Where at a relevant election the notice of poll is countermanded, or the polling is abandoned, due to the death of a candidate, the polling at the referendum is not affected.

PART 8

Appendix of Forms

Note:—The forms contained in this Appendix may be adapted so far as circumstances require.

Form 1 - Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Form 2 - Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Form 3 - Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

Form 4 - Corresponding Number List M1

Form 5 - Corresponding Number List M2

Form 6 - Form of Postal Voting Statement (for use where there is joint issue and receipt of postal ballot papers)

Form 7 - Form of Postal Voting Statement (for use where a referendum poll is combined with another poll but the postal ballot papers are not combined)

Form 8 - Official Poll Card (to be sent to a voter voting in person)

Form 9 - Official Postal Poll Card (to be sent to a voter voting by post)

Form 10 - Official Proxy Poll Card (to be sent to an appointed proxy voting in person)

Form 11 - Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

Form 12 - Form of directions for the guidance of the voters and proxies in voting

Form 13 - Form of Certificate of Employment

Form 14 - Form of declaration made by the companion of a voter or proxy with disabilities

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Form 1 - Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Front of ballot paper

Referendum on the Neighbourhood Plan for <i>[insert name of neighbourhood area]</i>	
Do you want <i>[insert name of local planning authority]</i> to use the Neighbourhood Plan for <i>[insert name of neighbourhood area]</i> to help it decide planning applications in the neighbourhood area?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Referendum on the Neighbourhood Plan for <i>[insert name of neighbourhood area]</i> on <i>[insert date]</i>

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

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Form 2 - Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Front of ballot paper

Referendum on the Neighbourhood Development Order for <i>[insert name of neighbourhood area]</i>	
Do you want the type of development in the Neighbourhood Development Order for <i>[insert name of neighbourhood area]</i> to have planning permission?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Referendum on the Neighbourhood Development Order for <i>[insert name of neighbourhood area]</i> on <i>[insert date]</i>

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

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Form 3 - Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

Front of ballot paper

Referendum on the Community Right to Build Order for [<i>insert name of neighbourhood area</i>]	
Do you want the development in the Community Right to Build Order for [<i>insert name of neighbourhood area</i>] to have planning permission?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Referendum on the Community Right to Build Order for [<i>insert name of neighbourhood area</i>] on [<i>insert date</i>]

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

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Form 4 - Corresponding Number List M1

Corresponding Number List – M1		
(to be used where a referendum is combined with another election or referendum)		
Area:		
Date of Poll:		
Sheet No:		
Ballot Paper Number <i>Identify the number issued for referendum / election</i>	Unique Identifying Mark <i>Identify the mark for each ballot paper</i>	Number on electoral register <i>(to be completed only in respect of ballot papers issued to postal voters and proxies voting by post)</i>

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Form 5 - Corresponding Number List M2

Corresponding Number List – M2	
(to be used where a referendum is combined with another election or referendum)	
Area:	
Date of Poll:	
Polling Station:	
Sheet No:	
Ballot Paper Number	Number on electoral register

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^{F53} *Form 6: Form of Postal Voting Statement (for use when there is joint issue and receipt of postal ballot papers)*

Textual Amendments

F53 Sch. 5 Pt. 8 Form 6 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 17(a), **Sch. 3** (with reg. 1(7))

Status: Point in time view as at 10/06/2014.

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

Postal voting statement	[Space for barcode]
<p>Referendum on the [Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order] for [insert name of neighbourhood area] <i>[Relevant Returning or Counting Officer to insert title(s) of other elections and referendums as appropriate]</i></p>	
<p>Date of [election(s) and] referendum(s) [day] [date] [month] [year]</p>	
<p>Important – you must fill in and return this postal voting statement with your completed ballot papers for them to be counted.</p> <p>Please read the instructions carefully and use a black pen.</p> <p>* Name _____ Ballot paper numbers _____</p> <p>* <i>Relevant Returning or Counting Officer to insert name but omit where sent to an anonymous voter</i></p> <p>(!) Check that the numbers on the backs of your ballot papers match the numbers shown above. If they do not match, call us immediately on <i>(insert helpline number)</i>.</p>	
<p>I am the person the ballot papers numbered above were sent to.</p> <p>My Date of Birth is: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p style="text-align: center;">Day Month Year</p> <p>* My Signature is: (You must sign inside the box)</p> <p>* <i>Relevant Returning or Counting Officer to omit box where the voter has been granted a waiver</i></p> <div style="border: 1px solid black; height: 60px; width: 100%; margin-top: 5px;"></div>	
<p>We will check this information against our records for security.</p> <p>It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once at the same [election or] referendum (unless you are appointed as a proxy).</p> <p><i>Relevant Returning or Counting Officer to add pictorial guidance as appropriate.</i></p>	

Status: Point in time view as at 10/06/2014.

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

Instructions for voting by post

Please read through carefully. If you need help, please call us on *[insert helpline number]*

- For your votes to be counted, you must fill in and return this postal voting statement with all your ballot papers (listed below).
 - Make sure you have filled in the date of birth **[and signature]* box(es) on this postal voting statement.
**Relevant Returning or Counting Officer to delete where voter is granted a waiver.*
 - * UK Parliamentary election (*[insert colour]* ballot paper)
 - [Vote for only one candidate by putting a cross in the box next to your choice.]
 - * *[Local government election]/[Parish/Town council election]* (*[insert colour]* ballot paper)
 - [Vote for only one candidate by putting a cross in the box next to your choice.]
 - [Vote for no more than ___ candidates by putting a cross in the box next to each of your choices.]
 - * European Parliamentary election (*[insert colour]* ballot paper)
 - [Vote only once by putting a cross in the box next to your choice.]
 - * London Assembly constituency members election (*[insert colour]* ballot paper)
 - [Vote for only one candidate by putting a cross in the box next to your choice.]
 - * London Assembly London members election (*[insert colour]* ballot paper)
 - [Vote only once by putting a cross in the box next to your choice.]
 - * London Mayoral election (*[insert colour]* ballot paper)
 - [Vote for only one candidate by putting a cross in the box next to your choice.]
 - [Vote by putting a cross in the box
In column 1 next to your first choice candidate
In column 2 next to your second choice candidate
Your first and second choices should be different.]
 - * Referendum on the *[Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order]* for *[insert name of neighbourhood area]* (*[insert colour]* ballot paper)
 - Vote only once by putting a cross in the box next to your choice.
 - * *[Specify other]* election/referendum (*[insert colour]* ballot paper)
 - *[Specify voting instructions in accordance with the legislation governing the election or referendum.]*
- * Relevant Returning or Counting Officer to add/amend as appropriate.*
- (!) Do not mark the ballot papers in any other way or your votes may not count.
- (!) We must get your postal vote by 10pm on *[day]* *[date of poll]*. If you miss the post, you can hand it in at our office or at any polling station in the _____ area before 10pm on *[day]* *[date of poll]*.
- (!) After receiving this postal vote, you cannot vote in person at a polling station in *[this]* *[these]* *[election(s)]* and] referendum(s).

Getting help

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on *[insert helpline number]*. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot papers or this statement, you can get a replacement. Call us immediately as we can only issue a replacement before 5pm on *[day]* *[date]* *[month]*. If you apply after 5pm on *[day before poll]* we can only issue a replacement if you return this ballot pack by hand.

Electoral fraud is a crime. It is an offence to vote more than once at the same *[election or]* referendum (unless you are voting on your own behalf and as a proxy for another person).

The *[Counting / Returning]* Officer issued this statement.
Relevant Returning or Counting Officer to add pictorial guidance as appropriate.

Status: Point in time view as at 10/06/2014.

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

^{F54}Form 7: Form of Postal Voting Statement (for use when a referendum poll is combined with another poll but the postal ballot papers are not combined)

Textual Amendments

F54 Sch. 5 Pt. 8 Form 7 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 17(a), **Sch. 3** (with reg. 1(7))

Status: Point in time view as at 10/06/2014.

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

Instructions for voting by post

Please read through carefully. If you need help, please call us on *[insert helpline number]*

1. For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper for the **Referendum on the *[Neighbourhood Plan/ Neighbourhood Development Order / Community Right to Build Order]* for *[insert name of neighbourhood area]***
2. Make sure you have filled in the **date of birth** **[and signature]* box(es) on this postal voting statement.

** Counting Officer to indicate where the voter has been granted a waiver and that a signature is not required*

Referendum on the *[Neighbourhood Plan/ Neighbourhood Development Order / Community Right to Build Order]* for *[insert name of neighbourhood area]* (*[insert colour]* ballot paper)

3. Vote **only once** by putting a cross in the box next to your choice.
4. Do not mark the ballot paper in any other way or your vote may not count.
5. We must get your postal vote by **10pm on *[day] [date of poll]***.
6. If you miss the post, you can hand in your postal vote and/or the postal vote of others at the council office during office hours to a person authorised to receive postal votes or at any polling station used for the referendum before **10pm on *[day] [date of poll]***.
7. You will be provided with a form which you must complete for the postal vote(s) you are handing in to be accepted.
8. You can hand in your own postal vote and postal votes for up to 5 other voters.
9. If you are a political campaigner - you can only hand in your own postal vote plus the votes of up to 5 family members or people for whom you provide regular care.
10. Do not put your postal vote in the letter box of the council office as it will be rejected.
11. If you would rather vote in person or ask someone else to vote on your behalf (if you are not already an appointed proxy) you must cancel your postal vote before 5pm on *[day/date of deadline]*. If you decide to cancel and vote in person, you will need to bring a form of accepted photographic identification. If a person is voting on your behalf as proxy they need to bring their own identification.
12. After we receive your postal voting statement and ballot paper, you cannot vote in person at a polling station in this referendum.

Getting help

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on *[insert helpline number]*. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can get a replacement. Call us immediately as **we can only issue a replacement before 5pm on *[day] [date] [month]***. If you apply after **5pm on *[day before poll]*** we can only issue a replacement if you return this ballot pack in person.

Electoral fraud is a crime. It is an offence to vote more than once at the same referendum unless you are voting on your own behalf and as a proxy for another person.

Whether you vote in person or via post, it is an offence for someone to try to find out how you are voting whilst you are putting your mark on your ballot paper, or to then reveal that information.

Status: Point in time view as at 10/06/2014.

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

Instructions for voting by post

Please read through carefully. If you need help, please call us on [insert helpline number]

- For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper for the **Referendum on the [Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order] for [insert name of neighbourhood area]**.
- Make sure you have filled in the **date of birth *[and signature] box(es)** on this postal voting statement.
**Counting Officer to delete where voter is granted a waiver.*

Referendum on the [Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order] for [insert name of neighbourhood area] ([insert colour] ballot paper)

- Vote **only once** by putting a cross in the box next to your choice.
- Do not mark the ballot paper in any other way or your vote may not count.
- We must get your postal vote by **10pm on [day] [date of poll]**. If you miss the post, you can hand it in at our office or at any polling station used for the referendum before **10pm on [day] [date of poll]**.
- After receiving this postal vote, you cannot vote in person at a polling station in this referendum.

Getting help

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on [insert helpline number]. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can get a replacement. Call us immediately as **we can only issue a replacement before 5pm on [day] [date] [month]**. If you apply after 5pm on [day before poll] we can only issue a replacement if you return this ballot pack by hand.

Electoral fraud is a crime. It is an offence to vote more than once at the same referendum (unless you are voting on your own behalf and as a proxy for another person).

The Counting Officer issued this statement.
Counting Officer to add pictorial guidance as appropriate.

Status: Point in time view as at 10/06/2014.

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

[^{F55} Form 8: Official Poll Card (to be sent to a voter voting in person)

Textual Amendments

F55 Sch. 5 Pt. 8 Form 8 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 17(b), **Sch. 1** (with reg. 1(7))

Status: Point in time view as at 10/06/2014.

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

Front of card

Poll card	
Referendum on the [Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order] for [insert name of neighbourhood area] (Relevant Council: [insert name of relevant council])	
Date of referendum [day] [date] [month] [year]	
Voting information	
Polling day	
Voting hours	
Your polling station will be	

Your details:

* [Voter's name and qualifying address details here]

* Counting Officer to omit where poll card sent to an anonymous voter. Poll card to an anonymous voter must be delivered in a sealed envelope

Number on register:

** [You do not need to take this card with you in order to vote.]

** [You must have this card with you. You cannot vote without it.]

** *If anonymous voter omit the words in the first set of brackets, if not omit the words in the second set of brackets.*

[insert helpline and other details including website].

Please turn over

Back of card

This space for map or other information such as helpline and website details

It is an offence to:

- vote more than once at the same referendum, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at the same referendum for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

📞 If you need any help or to find out if your polling station is accessible, please contact us.
 [Counting Officer to add contact details including website if appropriate]

If undelivered return to:
 [insert return address]

If you are away or cannot go to the polling station on [day] [date of poll] you can do one of the following:

- Apply to vote by post. Completed applications must reach us **before 5pm on [day] [date of deadline]**. If you are given a postal vote, you will not be able to vote in person at this referendum.

OR

- Apply to vote by proxy (this means someone else can vote on your behalf). Completed applications must reach us **before 5pm on [day] [date of deadline]**. If you appoint a proxy, you can vote if you wish, but only if your proxy has not already voted on your behalf and has not got a postal vote for you.

If after 5pm on [the sixth day before the date of the poll] you are unable to vote in person because you:

- Have a medical emergency, or
- Learn you cannot go to the polling station because of work reasons

You can apply to vote by proxy. Completed applications must reach us **before 5pm on [day] [date of deadline]**. To find out how to apply, call the helpline immediately.

The Counting Officer issued this card.

Status: Point in time view as at 10/06/2014.

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

^{F56}Form 9: Official Postal Poll Card (to be sent to a voter voting by post)

Textual Amendments
F56 Sch. 5 Pt. 8 Form 9 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 17(b), **Sch. 1** (with reg. 1(7))

Postal poll card
Referendum on the [Neighbourhood Plan/ Neighbourhood Development Order / Community Right to Build Order] for [insert name of neighbourhood area] (Relevant Council: [Insert name of relevant council])
Date of referendum [day] [date] [month] [year]
Voting information
We will send your postal vote around [day] [date] [month] [year] *[addressed to:]
*[Voter's name and address] *Counting Officer to omit where poll card sent to an anonymous voter.

Your details:

- * [Voter's name and qualifying address details here]
- * Counting Officer to omit where poll card sent to an anonymous voter. Poll card to an anonymous voter must be delivered in a sealed envelope

Electoral register number:

Your postal vote

- You will receive a postal vote for this referendum because you asked to vote by post.
- You will not be able to vote in a polling station.
- If you have not received your postal vote by **[day] [date] [month]** call **[insert helpline number]**.

If you lose your postal vote or make a mistake

- Please phone the helpline immediately.
- We can only issue a replacement postal vote before 5pm on **[day/date of deadline]**.

Please turn over

1

^{F57}Form 10: Official Proxy Poll Card (to be sent to an appointed proxy voting in person)

Textual Amendments
F57 Sch. 5 Pt. 8 Form 10 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 17(b), **Sch. 1** (with reg. 1(7))

Status: Point in time view as at 10/06/2014.

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

Front of card

Proxy poll card	
Referendum on the [Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order] for [insert name of neighbourhood area] (Relevant Council: [Insert name of relevant council])	
Date of referendum [day] [date] [month] [year]	
Voting information	
Polling day	
Voting hours	
Your polling station will be	

Please turn over

Your details:
 * *[Proxy's name and qualifying address details here]*
 * Counting Officer to omit where poll card sent to the proxy of an anonymous voter. Poll card to proxy of an anonymous voter must be delivered in a sealed envelope.

You will receive a proxy vote

- ** [The person named on the back of this card [Another person] has appointed you as a proxy to vote on their behalf at this election.
- ** [You do not need to take this card with you to vote.] [You must have this card with you when you vote. You cannot vote as a proxy without it.]
- ** *If sent to the proxy of an anonymous voter omit the words in each of the first sets of brackets, if not omit the words in each of the second sets of brackets.*

[Insert helpline and other details including website].

Back of card


For this referendum you are proxy for:

* *[Voter's name]*
 * *[Voter's address]*
 * *[Voter's number on register]*
 [the person with this elector number: *(insert voter's number on register)*]

* *If anonymous voter omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*

The person you are proxy for can vote themselves if they wish – but only if you have not already voted on their behalf.

This space for map or other information such as helpline and website details

 **If you need any help or to find out if your polling station is accessible, please contact us.**
[Counting Officer to add contact details including website if appropriate]

How to vote as a proxy

1. * *[At the polling station, tell the staff that you are a proxy for the person named above. They will give you that person's ballot paper.]* **[At the polling station, ask to speak to the presiding officer and show them this card. They will give you the ballot paper of the person you are proxy for.]*
 * *If anonymous voter omit the words in the first set of square brackets, if not omit the words in the second set of square brackets*
2. Go to one of the voting booths.
3. Follow the instructions on how to mark the ballot paper.
4. Fold the ballot paper and put in the ballot box

If you need any help, just ask the staff.

If you are away or cannot go to the polling station on **[day] [date of poll]**

- You can apply to vote by post. The deadline for completed applications is 5pm on **[day] [date of deadline]**.
- If you are given a postal vote, you or the person you are proxy for will not be able to vote in person at this referendum.
- To find out how to apply, please call us on **[insert helpline number or other contact details]**.

It is an offence to:

- vote more than once at the same referendum, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at the same referendum for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Counting Officer issued this card.

If undelivered return to
[insert return address]

Status: Point in time view as at 10/06/2014.

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

^{F58}Form 11: Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

Textual Amendments

F58 Sch. 5 Pt. 8 Form 11 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), 17(b), [Sch. 1](#) (with reg. 1(7))

Status: Point in time view as at 10/06/2014.

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

Front of card

Proxy postal poll card
Referendum on the [Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order] for [insert name of neighbourhood area] (Relevant Council: [insert name of relevant council])
Date of referendum [day] [date] [month] [year]
Voting information
We will send your postal vote around [day] [date] [month] [year] *[addressed to:]
* [Proxy's name and qualifying address details here] * Counting Officer to omit where poll card sent to the proxy of an anonymous voter. Poll card to proxy of an anonymous voter must be delivered in a sealed envelope.

Voting as a proxy

** [The person named on the back of this card] [Another person] has appointed you as a proxy to vote on their behalf at this referendum.

** If sent to the proxy of an anonymous voter omit the words in the first set of brackets, if not omit the words in the second set of brackets.

Your postal vote

- You will receive a postal vote for this referendum because you asked to vote by post.
- You will not be able to vote as a proxy in a polling station.
- **If you have not received your postal vote by [day] [date] [month] call [insert helpline number].**

Please turn over

Back of card

For this referendum you are proxy for:

* [(Voter's name)
(Voter's address)
(Voter's number on register)]

[the person with this elector number: (insert voter's number on register)]

* If anonymous voter omit the words in the first set of square brackets, if not omit the words in the second set of square brackets

How to vote

1. When you receive your postal vote, read the instructions carefully.
2. Your postal vote includes your ballot paper and a postal voting statement.
3. Complete both of these and return them immediately.
4. We need to receive your postal vote by **10pm on [day/date of poll].**

1 If you need information in another format, please call our helpline below.

1 If you need help to vote, you can ask someone you know or get independent help by calling our helpline:

[insert helpline or other details including website]

If you lose your postal vote or make a mistake

- Please phone the helpline immediately.
 - We can only issue a replacement postal vote before **5pm on [day/date of deadline].**
- If you would rather vote in person, you must cancel your postal vote before **5pm on [day/date of deadline].** For more information, please call the helpline.

It is an offence to:

- vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper
- vote more than once at the same referendum, unless you are voting on your own behalf and as a proxy for another person
- vote as a proxy at the same referendum for more than two people, unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild
- vote as a proxy for someone if you know that by law they are not allowed to vote

The Counting Officer issued this card.

If undelivered return to
[insert return address]

Status: Point in time view as at 10/06/2014.

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

^{F59}Form 12: Form of directions for the guidance of voters and proxies in voting

Textual Amendments

F59 Sch. 5 Pt. 8 Form 12 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 17(a), **Sch. 3** (with reg. 1(7))

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

How to vote at [this] [these] [election(s) and] referendum(s)

1

Go to the desk and tell the staff your name and address.
They will give you your ballot papers.



2

Take your ballot papers to a voting booth.



3

Read the instructions in the booth and mark your ballot papers.



4

When you have marked your ballot papers, fold them so that nobody can see how you have voted.



5

Put your folded ballot papers into the [appropriate] ballot box[es].



(!) Voting is secret. Do not let anyone see how you have voted.

🗣️ If you make a mistake or need some help, just ask the staff.

Status: Point in time view as at 10/06/2014.

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

F60 Form 13: Form of Certificate of Employment

Textual Amendments
F60 Sch. 5 Pt. 8 Form 13 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 17(b), **Sch. 1** (with reg. 1(7))

Certificate of Employment
Referendum on the [Neighbourhood Plan / Neighbourhood Development Order / Community Right to Build Order] for the [insert name of neighbourhood area]
Date of referendum [day] [date] [month] [year]
The person named below is entitled to vote at any polling station in the referendum area on production and surrender of this certificate to the Presiding Officer.
<p>I certify that _____ (name of voter)</p> <p>who is numbered* _____ in the register of electors, cannot reasonably be expected to go in person to the polling station allotted to them at this referendum by reason of his/her employment on the above date for a purpose connected with this referendum:</p> <p>– as a constable**</p> <p>– as a Police Community Support Officer**</p> <p>– by me (Only applies to Counting Officer's staff)**</p> <p>Signature _____ Counting Officer/Police Officer (Inspector or above)**</p> <p>Date _____</p> <p>* The voter's on the register number can be found on the poll card which was sent to them shortly after the referendum was announced, or can be checked by contacting the Electoral Registration Officer.</p> <p>** Person completing the form to delete whichever does not apply.</p>

1

F61 Form 14: Form of declaration made by the companion of a voter or proxy with disabilities

Textual Amendments
F61 Sch. 5 Pt. 8 Form 14 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 17(a), **Sch. 3** (with reg. 1(7))

Status: Point in time view as at 10/06/2014.

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

Declaration for the companion of a voter with disabilities	
<p>*[Election of Member of Parliament for the <i>[insert name of constituency]</i> constituency]</p> <p>*[Election of Members of the European Parliament for the <i>[insert name of Region, e.g. 'North-West Region']</i>]</p> <p>*[Election of councillors to <i>[insert name of local authority/parish/town council in full]</i>]</p> <p>*[Election of London Assembly [London member] [constituency member for <i>[insert name of constituency]</i>]]</p> <p>*[Election of the Mayor [of London] [for <i>[insert name of authority]</i>]]</p> <p>*[[<i>Insert title of election/referendum</i>] election/referendum]</p> <p>* Delete or amend as appropriate</p>	
Date of [election(s) and] referendum(s) <i>[day] [date] [month] [year]</i>	
<p>A voter with disabilities is a voter who has made a declaration that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote at [this] [these] [election(s) and] referendum(s) without assistance.</p> <p>In this form, "voter" means the person casting the vote at the election or referendum and includes a person voting as a proxy.</p>	
Part 1 To be completed by the voter's companion	
Companion's name	
Companion's address	
Voter's name	
<p><i>[Only for use if the disabled voter is acting as a proxy]</i></p> <p>Voter is acting as proxy for:</p>	
<p>Elector's number</p> <p><i>[If the disabled voter is acting as a proxy, this is the number of the person for whom the voter is acting]</i></p>	

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<p>I have been requested to assist the voter named above to record their vote at [this] [these] [election(s) and] referendum(s). I declare that:</p>			
<p>(1)</p> <ul style="list-style-type: none"> • I am entitled to vote [as an elector at [this] [these] election(s) and] as a voter at [this] [these] referendum(s) <p>or</p> <ul style="list-style-type: none"> • I am the *spouse/*civil partner/*parent/*brother/*sister/*child of the voter with disabilities and am 18 years of age or over *Please delete whichever does not apply 			
<p>AND</p> <p>(2)</p> <ul style="list-style-type: none"> • I have not previously assisted more than one voter with disabilities at [this] [these] [election(s) or] referendum(s). If I have assisted one other voter their name and address is: 			
<p>[Complete if appropriate] Name and address of other person assisted</p>			
<p>NOTE – It is a criminal offence to knowingly make a false statement in this form.</p>			
Companion's signature		Date	
<p>Part 2 To be completed by the Presiding Officer</p>			
<p>I, the undersigned, being the Presiding Officer for:</p>			
Polling station		Neighbourhood area of	
<p>Hereby certify that the above declaration was signed in my presence.</p>		Presiding Officer signature	
Date		Time (exact)	

[F62] SCHEDULE 6

Regulation 17

REGISTERING TO VOTE IN A BUSINESS REFERENDUM

Textual Amendments

F62 Sch. 6 inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, 7, **Sch. 1**

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;

“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;

“hereditament” has the same meaning as in section 64 of the Local Government Finance Act 1988;

“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);

“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;

“registration response form” has the meaning given in paragraph 10(6);

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“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.

(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—

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- (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.
- (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.

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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.

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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 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.

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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 sub-paragraph (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 sub-paragraph (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
 - (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—

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- (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).

(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.

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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,^{F63}...—

- (a) [^{F64}a named voter] 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) [^{F65}a named voter] dies^[F66]; or
- (c) a business vote holder becomes aware that, as a result of a reason relating to their named voter's occupation, service or employment, the named voter cannot reasonably be expected to vote in the business referendum in the manner chosen by the named voter.]

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; 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^[F67]; or
- (c) in respect of an application made under sub-paragraph (1)(c), is the evidence described in sub-paragraph (3A).]

[

- ^{F68}(3A) The evidence referred to in sub-paragraph (3)(c) is—
- (a) a statement from the business vote holder that includes—
 - (i) the name of the named voter’s employer or, if the named voter is self-employed, that fact,
 - (ii) the reason that the named voter cannot reasonably be expected to vote in the business referendum in the manner chosen by the named voter, and
 - (iii) the date on which the business vote holder became aware of that reason; and
 - (b) an attestation—
 - (i) that is made and signed in accordance with regulation 55A(4), (6) and (7) of the Representation of the People (England and Wales) Regulations 2001, and
 - (ii) in which the attester certifies, to the best of their knowledge and belief, that the statements referred to in sub-paragraph (3A)(a)(i) and (ii) are true.]
- ^{F69}(4) For the purposes of sub-paragraphs (3)(a) and (3A)(b)(i), the provisions of the Representation of the People (England and Wales) Regulations 2001 mentioned in those sub-paragraphs are to have effect as if—
- (a) any reference to the applicant was to the named voter, and
 - (b) any reference to an application was to the application under sub-paragraph (1).]
- (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.

Textual Amendments

- F63** Words in [Sch. 6 para. 23\(1\)](#) omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **18(2)(a)** (with reg. 1(7))
- F64** Words in [Sch. 6 para. 23\(1\)\(a\)](#) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **18(2)(b)** (with reg. 1(7))
- F65** Words in [Sch. 6 para. 23\(1\)\(b\)](#) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **18(2)(b)** (with reg. 1(7))
- F66** [Sch. 6 para. 23\(1\)\(c\)](#) and word inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **18(2)(c)** (with reg. 1(7))
- F67** [Sch. 6 para. 23\(3\)\(c\)](#) and word inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **18(3)** (with reg. 1(7))
- F68** [Sch. 6 para. 23\(3A\)](#) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **18(4)** (with reg. 1(7))

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F69 Sch. 6 para. 23(4) substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), **18(5)** (with reg. 1(7))

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),

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.

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(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.

(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;

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“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, 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—

- (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.

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(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
- (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 otherwise 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—

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- (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 (“the ONS”).

- (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.

(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.

(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;

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(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.

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;

“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;

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“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.

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, 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) 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.

PART 11

Appendix of forms

^{F70}Form 1 – Form of invitation to register

Textual Amendments

F70 Sch. 6 Pt. 11 Form 1 substituted (24.2.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(3), 19, Sch. 4 (with reg. 1(7))

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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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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]

[Place image of map and key as required into this 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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[^{F71}Form A: Non-domestic rate-payer registration form

Textual Amendments

F71 [Sch. 6 Pt. 11 Form A](#) substituted (24.2.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(3), 19, [Sch. 4](#) (with reg. 1(7))

Status: Point in time view as at 10/06/2014.

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FORM A Non-domestic rate-payer registration form
Your right to vote X

<p>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.</p>	<p>Space left blank for electoral services information</p>
--	--

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 [11 day deadline].

1.

You must complete and return this form if you wish to register your business or organisation to vote in the neighbourhood planning referendum.

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 or Irish citizen, or
- a qualifying EU citizen, or an EU citizen with retained rights (as defined in sections 203A and 203B of the Representation of the People Act 1983), 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 the named voter is [5pm, 11 day deadline]. After that time, changes are only permitted because the named voter becomes unable to vote for emergency medical or work 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.

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.

--	--

Form B must also be completed and returned

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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 wrong 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.¹⁶¹

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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1

f^{F72}Form B: Voting choices form

Textual Amendments

F72 Sch. 6 Pt. 11 Form B substituted (24.2.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(3), 19, **Sch. 4** (with reg. 1(7))

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

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)

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

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 if you become unable to vote for emergency medical or work 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

[\[Business Registration Officer to decide information for inclusion below this point\]](#)

[^{F73}SCHEDULE 7

Regulation 17

THE NEIGHBOURHOOD PLANNING BUSINESS REFERENDUMS RULES

Textual Amendments

F73 Sch. 7 inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, 7, **Sch. 2**

PART 1

Citation and Interpretation

Citation

1. These Rules may be cited as the Neighbourhood Planning Business Referendums Rules.

Interpretation

- 2.—(1) In these Rules—

“ballot paper envelope” and “covering envelope” mean the envelopes referred to in rule 20;

“business registration officer” has the same meaning as in Schedule 6;

“business vote holder” has the same meaning as in Schedule 6;

“business voting register” has the same meaning as in Schedule 6, and references to the business voting register include any copies of that register or of any part of it;

“counting observer” means a counting observer duly appointed under rule 47;

“corresponding residential referendum” means the other referendum required to be held on the same plan or order as the business referendum conducted under these Rules;

“named voter” means a person whose details appear on the business voting register as a named voter on behalf of a business vote holder in accordance with Schedule 6;

“number on the register” means the number allotted to an entry on the business voting register under paragraph 15(1)(e) of Schedule 6;

“polling observer” means a polling observer duly appointed under rule 47;

“postal ballot box” means the ballot box referred to in rule 29(1)(b);

“postal ballot paper” means a ballot paper issued to a postal voter;

“postal voter” means a named voter who has chosen to vote by post;

“postal voters’ ballot box” means the ballot box referred to in rule 29(1)(a);

“valid postal voting statement” means a postal voting statement which, in accordance with rule 34 or 35, the counting officer is satisfied has been duly completed;

“voters list” has the same meaning as in Schedule 6, and references to the voters list include any copies of that list or of any part of it;

“universal postal service provider” has the meaning given in Part 3 of the Postal Services Act 2011 to a “universal service provider”.

- (2) Other expressions used both in these Rules and in the 1983 Act (as it applies to local government elections) have the same meaning in these Rules as they have in that Act.

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PART 2

Provisions as to Time

Timetable

3. The proceedings at the business referendum are to be conducted in accordance with the following Timetable.

Timetable

<i>Proceedings</i>	<i>Time</i>
Publication of notice of business referendum	Not later than the twenty-fifth day before the day of the business referendum.
Notice of poll	Not later than the sixth day before the day of the business referendum.
Polling	Between the hours of 7 in the morning and 10 at night on the day of the business referendum.

Computation of time

4. In computing any period of time for the purposes of the Timetable the days mentioned in regulation 4(5) are to be disregarded, and any such day is not to be treated as a day for the purpose of any proceedings up to the completion of the poll nor is the counting officer obliged to proceed with the counting of the votes on such a day.

PART 3

General Provisions

Consistency of ballot papers and documents

5. The counting officer, and, where there is one, the Chief Counting Officer, must ensure, as far as practicable, that any ballot paper or other document issued in relation to the business referendum is in the same form (except for necessary changes) as for the corresponding residential referendum.

Notice of business referendum

6. The counting officer must publish notice of the business referendum, stating the date of the poll.

Poll to be taken by ballot

7. A poll must be taken at the business referendum and the votes at the poll must be given by ballot.

The ballot papers

8.—(1) The ballot of every named voter in the business referendum must consist of a ballot paper.
 (2) Every ballot paper to be used in the business referendum must be in the form set out in Form 1 or 2 in the Appendix of Forms at Part 10 of this Schedule (as the case may be).

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- (3) The ballot paper must be of a colour different from that of the ballot papers used for—
 - (a) the corresponding residential referendum; and
 - (b) any poll combined with the corresponding residential referendum.
- (4) Every ballot paper—
 - (a) must be capable of being folded up; and
 - (b) must have a number and other unique identifying mark printed on the back.

The corresponding number list

9.—(1) The counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by the counting officer in pursuance of rule 14(1) or provided by that person in pursuance of rule 46(1).

- (2) The list must be in the form set out in Form 3 in the Appendix or a form to like effect.

The official mark

10.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

- (2) The official mark must be kept secret.

(3) The counting officer may use a different official mark for different purposes at the same business referendum.

Prohibition of disclosure of vote

11. No named voter who has voted at the business referendum is, in any legal proceeding to question the business referendum, to be required to state for which answer the named voter has voted.

Use of schools and public rooms

12.—(1) The counting officer may use, free of charge, for the purpose of taking the poll or counting the votes—

- (a) a room in a school maintained or assisted by a local authority (as defined in the Education Act 1996) or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) a room the expense of maintaining which is payable out of any rate.

(2) The counting officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.

Cross-boundary referendum areas

13.—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.

(2) Where this rule applies, the Chief Counting Officer must ensure, as far as practicable, that any ballot paper or other document issued in relation to the business referendum is in the same form (except for necessary changes) and is issued on the same date in respect of each relevant council.

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PART 4

Action to be Taken Before the Poll

Notice of poll

- 14.**—(1) The counting officer must publish notice of the poll stating—
- (a) the day and hours fixed for the poll; and
 - (b) the question to be asked in the business referendum.
- (2) The notice of the poll must be published no later than the sixth day before the date of the business referendum.
- (3) The counting officer must, not later than the time of the publication of the notice of the poll, also give public notice of—
- (a) the location of each polling station; and
 - (b) the description of named voters entitled to vote there.

PART 5

Postal voting

Postal ballot papers

- 15.**—(1) The counting officer must issue to postal voters a ballot paper and a postal voting statement in the form set out in Form 4 in the Appendix, or a form to like effect, together with envelopes for their return, in the form set out in rule 20.
- (2) The counting officer must also issue to postal voters such information as the officer thinks appropriate about how to obtain—
- (a) translations into languages other than English of any directions to or guidance for named voters sent with the ballot paper;
 - (b) a translation into Braille of such directions or guidance;
 - (c) graphical representations of such directions or guidance;
 - (d) the directions or guidance in any other form (including any audible form).
- (3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the named voter.
- (4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the named voter.

Persons entitled to be present at proceedings on issue and receipt of postal ballot papers

- 16.** No person may be present at the proceedings on the issue of postal ballot papers or at the proceedings on the receipt of postal ballot papers, other than a person entitled to attend at the counting of votes under rule 63.

Notification of requirement of secrecy

- 17.** The counting officer must make such arrangements as the counting officer thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot

papers has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the 1983 Act, as applied by Schedule 8.

Time when postal ballot papers are issued

18. Postal ballot papers and postal voting statements must be issued as soon as practicable after the publication of the business voting register in accordance with paragraph 30(1) of Schedule 6.

Refusal to issue postal ballot paper

19. Where a counting officer is satisfied that two or more entries in the voters list relate to the same business vote holder, the counting officer must not issue more than one postal ballot paper in respect of that business vote holder.

Procedure on issue of ballot paper

20.—(1) The number of the business vote holder as stated in the business voting register shall be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that business vote holder.

(2) A mark shall be placed in the business voting register against the number of the business vote holder to denote that a ballot paper has been issued to the business vote holder or named voter, but without showing the particular ballot paper issued.

(3) The number of a postal ballot paper shall be marked on the postal voting statement sent with that paper.

(4) The address to which the postal ballot paper, postal voting statement and the envelopes referred to in rule 21 below are to be sent is the address shown on the voters list.

Envelopes

21.—(1) Paragraphs (2) and (3) below prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and postal voting statement.

(2) There must be issued an envelope for the return of the postal ballot paper and the postal voting statement (referred to as a “covering envelope”) which must be marked with the letter “B”.

(3) There must also be issued a smaller envelope (referred to as a “ballot paper envelope”) which must be marked with—

- (a) the letter “A”;
- (b) the words “ballot paper envelope”; and
- (c) unless the envelope has a window through which the number on the ballot paper can be displayed, the number of the ballot paper.

(4) The envelopes issued under this rule may be a different colour to those issued in respect of the corresponding residential referendum.

Sealing up of completed corresponding number lists and security of special lists

22.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the counting officer must make up into a packet the completed corresponding number lists of those ballot papers which have been issued and must seal such a packet.

(2) The counting officer must take proper precautions for the security of the marked copy of the voters list until a marked copy of that list is made up into a packet under rule 31(10).

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Delivery of postal ballot papers

23.—(1) For the purposes of delivering postal ballot papers, the counting officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm, or
- (c) clerks appointed by the counting officer pursuant to these Regulations.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters must be counted and delivered to that provider or firm by the counting officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage must be prepaid on envelopes addressed to the postal voters (except where paragraph (1)(c) applies).

(4) Return postage must be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of postal ballot papers is within the United Kingdom.

Cancellation of postal ballot papers

24.—(1) Where a named voter or the business vote holder has given notice in writing to the business registration officer in accordance with paragraph 21(1) of Schedule 6 and the original named voter's completed postal ballot paper and postal voting statement have not already been returned, the counting officer shall—

- (a) immediately cancel the postal ballot paper and postal voting statement issued to the original named voter; and
- (b) as soon as practicable after cancelling those documents, make any uncompleted postal ballot papers or postal voting statements which are returned up in a separate packet which must be kept sealed except to put new cancelled documents in it.

(2) Where possible, the original named voter should, when giving notice in writing in accordance with paragraph 21(1) of Schedule 6, also return the uncompleted postal ballot paper and postal voting statement to the counting officer, but the cancellation of these documents in accordance with subparagraph (1)(a) above shall not be dependent upon the return of these uncompleted documents.

(3) Where a named voter or a business vote holder has applied for a new named voter for the business referendum in accordance with [^{F74}paragraph 23(1)] of Schedule 6 and the original named voter's completed postal ballot paper and postal voting statement have not already been returned, the counting officer shall—

- (a) immediately cancel the postal ballot paper and postal voting statement issued to the original named voter; and
- (b) as soon as practicable after cancelling those documents, make any uncompleted postal ballot papers or postal voting statements which are returned up in a packet (which may be the same packet as that referred to in paragraph 24(1)(b)) which must be kept sealed except to put new cancelled documents in it.

(4) Where a business vote holder has ceased to be liable to pay non-domestic rates on a hereditament in the referendum area and the business registration officer has, in accordance with [^{F75}paragraph 25] of Schedule 6, removed that person's name from the business voting register, any postal ballot paper and valid postal voting statement returned in respect of that business vote holder shall be immediately cancelled.

[^{F76}(5) The counting officer must keep a list of the postal ballot papers cancelled under this rule, including—

- (a) the number of each cancelled postal ballot paper;
- (b) the name of the postal voter to whom it was issued;
- (c) the name and number on the business voting register of the business vote holder on whose behalf the postal voter would have voted; and
- (d) the number of any postal ballot paper issued to any other postal voter on behalf of that business vote holder.]

Textual Amendments

- F74** Words in [Sch. 7 rule 24\(3\)](#) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **20(1)(a)** (with reg. 1(7))
- F75** Words in [Sch. 7 rule 24\(4\)](#) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **20(1)(b)** (with reg. 1(7))
- F76** [Sch. 7 rule 24\(5\)](#) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **20(2)** (with reg. 1(7))

Spoilt postal ballot papers

25.—(1) If a postal voter has inadvertently dealt with that person’s postal ballot paper or postal voting statement in such a manner that it cannot be conveniently used as a ballot paper or, as the case may be, a postal voting statement, the postal voter may return (either by hand or by post) to the counting officer the spoilt ballot paper or, as the case may be, the spoilt postal voting statement.

(2) Where a postal voter exercises the entitlement conferred by paragraph (1), the postal voter must also return—

- (a) the postal ballot paper or, as the case may be, the postal voting statement, whether spoilt or not; and
- (b) the envelopes supplied for the return of those documents.

(3) Where the counting officer receives the documents referred to in paragraph (1) and, where applicable, paragraph (2)—

- (a) by 5 pm on the day before the date of the business referendum, the counting officer shall issue another postal ballot paper, and may hand it to a postal voter who applies in person;
- (b) after 5 pm on the day before the date of the business referendum but by 5 pm on the day of the business referendum, the counting officer must only issue another postal ballot paper if the postal voter returned the documents by hand and applies in person, and may only hand a replacement ballot paper to that postal voter.

(4) Paragraphs 20 (except paragraph (2)), 21, 22 and 23 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3) above.

(5) Any postal ballot paper or postal voting statement, whether spoilt or not, returned in accordance with paragraph (1) or (2) must be immediately cancelled.

(6) The counting officer must, as soon as practicable after cancelling those documents, make them up in a separate packet which must be kept sealed except to put new cancelled documents in it.

(7) The counting officer must keep a list of the name of any postal voter and the corresponding number on the business voting register and the number of the postal ballot paper (or papers) issued under this rule.

Lost postal ballot papers

26.—(1) Where a postal voter claims either to have lost or not to have received—

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- (a) their postal ballot paper, or
- (b) their postal voting statement, or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the date of the business referendum, the postal voter may apply (whether or not in person) to the counting officer for a replacement ballot paper.

(2) Such an application must include evidence of the postal voter's identity.

(3) Where a postal voter exercises the entitlement conferred by paragraph (1), the postal voter must return the documents referred to in paragraph (1)(a) to (c) which have been received and not lost.

(4) Where the counting officer—

- (a) is satisfied as to the postal voter's identity;
- (b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return; and
- (c) receives the documents referred to in paragraph (2) by 5 pm on the day before the date of the business referendum,

the counting officer shall issue another postal ballot paper, and may hand it to a postal voter who applies in person.

(5) Where the counting officer—

- (a) is satisfied as to the postal voter's identity;
- (b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return; and
- (c) receives the documents referred to in paragraph (2) after 5 pm on the day before the date of the business referendum but by 5 pm on the day of the business referendum,

the counting officer must only issue another postal ballot paper if the postal voter returned the documents by hand and applies in person, and may only hand a replacement ballot paper to that postal voter.

(6) Paragraphs 20 (except paragraph (2)), 21, 22 and 23 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3) above.

(7) Any postal ballot paper or postal voting statement returned in accordance with paragraph (3) must be immediately cancelled.

(8) The counting officer must, as soon as practicable after cancelling those documents, make them up in a separate packet which must be kept sealed except to put new cancelled documents in it.

(9) The counting officer must keep a list of the name and number on the register of any postal voter and the number of the postal ballot paper (or papers) issued under this rule.

Alternative means of returning postal ballot paper or postal voting statement

27.—(1) A postal ballot paper or postal voting statement may be returned by hand to a polling station being used either in the business referendum or in the corresponding residential referendum.

(2) A postal ballot paper or postal voting statement may be returned to the counting officer by post or by hand.

(3) Subject to paragraph (4) the presiding officer of the polling station must deliver, or cause to be delivered, any postal ballot paper or postal voting statement returned to that station to the counting

officer in the same manner and at the same time as the presiding officer delivers, or causes to be delivered, the packets referred to in rule 62.

(4) The counting officer may collect, or cause to be collected, any postal ballot paper or postal voting statement which by virtue of paragraph (3) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to the counting officer.

(5) Where the counting officer collects, or causes to be collected, any postal ballot paper or postal voting statement in accordance with paragraph (4) the presiding officer must first make it (or them) up into a packet (or packets) sealed with the presiding officer’s own seal and the seals of such polling observers as desire to affix their seals.

Notice of opening of postal ballot paper envelopes

28.—(1) The counting officer must give to those persons who are entitled to attend at the counting of votes not less than 48 hours’ notice in writing of each occasion on which a postal voters’ ballot box and the envelopes contained in it is to be opened.

(2) Such a notice must specify the time and place at which such an opening is to take place.

Postal ballot boxes and receptacles

29.—(1) The counting officer must provide a separate ballot box for the reception of—

(a) the covering envelopes when returned by the postal voters (“postal voters’ ballot box”), and

(b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box must be marked “postal voters’ ballot box”, or “postal ballot box”, as the case may be, and with the date of the business referendum, the words “neighbourhood planning business referendum” and the name of the neighbourhood area to which the business referendum relates.

(3) The postal ballot box must be shown to those present on the occasion of opening the first postal voters’ ballot box as being empty.

(4) The counting officer must then lock the ballot box and apply the counting officer’s seal in such a manner as to prevent its being opened without breaking the seal.

(5) The counting officer must provide the following—

(a) the receptacle for rejected votes;

^{F77}(b)

(c) the receptacle for ballot paper envelopes;

(d) the receptacle for rejected ballot paper envelopes;

(e) the receptacle for rejected votes after verification procedure;

(f) the receptacle for postal voting statements after verification procedure.

(6) The counting officer must take proper precautions for the safe custody of every ballot box and receptacle referred to in this rule.

Textual Amendments

F77 Sch. 7 rule 29(5)(b) omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **21** (with reg. 1(7))

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Receipt of covering envelope

30.—(1) The counting officer must, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters’ ballot box.

(2) Where an envelope, other than a covering envelope issued by the counting officer—

(a) has been opened, and

(b) contains a ballot paper envelope, postal voting statement or ballot paper,

the first-mentioned envelope, together with its contents, must be placed in a postal voters’ ballot box.

Opening of postal voters’ ballot box

31.—(1) Each postal voters’ ballot box must be opened by the counting officer in the presence of such of those entitled to attend who are present.

(2) So long as the counting officer ensures that there is at least one sealed postal voters’ ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters’ ballot boxes may previously be opened by the counting officer.

(3) The last postal voters’ ballot box and the postal ballot box must be opened at the counting of the votes.

Opening of covering envelopes

32.—(1) When a postal voters’ ballot box is opened, the counting officer must count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph (2) of rule 30).

^{F78}(2)

(3) The counting officer must open separately each covering envelope (including an envelope described in paragraph (2) of rule 30).

[^{F79}(4) The procedure in rule 35 applies where a covering envelope (including an envelope described in paragraph (2) of rule 30) contains a postal voting statement.]

(5) Where the covering envelope does not contain the postal voting statement separately, the counting officer must open the ballot paper envelope to ascertain whether the postal voting statement is inside.

[^{F80}(6) Where a covering envelope does not contain a postal voting statement (whether separately or not) the counting officer must mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.]

(7) In carrying out the procedure in this rule and rules 34 to 40, the counting officer—

(a) must keep the ballot papers face downwards and must take proper precautions for preventing any person from seeing the votes made on the ballot papers; and

(b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(8) Where an envelope opened in accordance with paragraph (3) contains a postal voting statement, the counting officer must place a mark in the marked copy of the voters list in a place which corresponds to the named voter’s corresponding number on the register to denote that a postal vote has been returned.

(9) A mark made under paragraph (8) must be distinguishable from and must not obscure any other mark.

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(10) As soon as practicable after the last covering envelope has been opened, the counting officer must make up into a packet the copy of the marked voters list and must seal such a packet.

(11) Rule 64(3) does not apply for the purposes of determining whether, for the purposes of this rule, a postal vote is returned.

Textual Amendments

- F78** Sch. 7 rule 32(2) omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **22(1)** (with reg. 1(7))
- F79** Sch. 7 rule 32(4) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **22(2)** (with reg. 1(7))
- F80** Sch. 7 rule 32(6) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **22(3)** (with reg. 1(7))

Confirming receipt of postal voting statements

33.—(1) A named voter who is shown in the voters list as voting by post may make a request, at any time between the first issue of postal ballots and the close of the poll, that the counting officer confirm—

- (a) whether a mark is shown in the marked copy of the voters list to denote that a postal vote has been returned, and
- (b) whether the number of the ballot paper issued to the named voter has been recorded on either of the lists of provisionally rejected votes kept by the counting officer under paragraphs (2) and (3) of rule 39.

(2) A request under paragraph (1) must be made by any method specified, and include any evidence of the named voter’s identity requested, by the counting officer.

(3) Where a request is received in accordance with paragraph (2) the counting officer shall satisfy himself that the request has been made by the named voter and where the counting officer is so satisfied provide confirmation of the matters under paragraph (1).

Procedure in relation to postal voting statements

^{F81}**34.**

Textual Amendments

- F81** Sch. 7 rule 34 omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **23** (with reg. 1(7))

Procedure in relation to postal voting statements: personal identifier verification

35.—^{F82}(1) This rule applies in the circumstances described in rule 32(4).]

(2) The counting officer must be satisfied that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the counting officer is not so satisfied, the counting officer must mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope [^{F83}but there is a

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ballot paper], the ballot paper, and, subject to paragraph (4) place it in the receptacle for rejected votes after verification procedure.

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the counting officer must show it to the counting observers and must permit them to view the entries in the identifier record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to the counting officer’s decision, must add the words “rejection objected to”.

(5) The counting officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements after verification procedure and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it,

the counting officer must open the envelope.

(7) Paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope, or
- (b) the ballot paper envelope has been opened under rule 32(5) or paragraph (6).

(8) Where this paragraph applies, the counting officer must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes after verification procedure, any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes after verification procedure, any valid postal voting statement marked “provisionally rejected” where there is no ballot paper;
- (d) in the receptacle for postal voting statements after verification procedure, any valid statement not disposed of under sub-paragraph (b) or (c).

Textual Amendments

- F82** Sch. 7 rule 35(1) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **24(1)** (with reg. 1(7))
- F83** Words in Sch. 7 rule 35(3) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **24(2)** (with reg. 1(7))

Postal voting statements: additional personal identifier verification

^{F84}**36.**

Textual Amendments

- F84** Sch. 7 rule 36 omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **25** (with reg. 1(7))

Opening of ballot paper envelopes

37.—(1) The counting officer must open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) The counting officer must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which must be marked “provisionally rejected” and to which must be attached the ballot paper envelope;
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which must be marked “provisionally rejected” because it does not contain a ballot paper.

Retrieval of cancelled postal ballot papers

38.—(1) Where it appears to the counting officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters’ ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

the counting officer must proceed as follows.

(2) The counting officer must, on at least one occasion on which a postal voters’ ballot box is opened in accordance with rule 31, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the polling observers;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements [^{F85}after verification procedure];
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by rule 25(6); and
- (f) unless the postal ballot box has been opened for the purposes of the counting of votes, re-lock (if it has a lock) and re-seal the postal ballot box in the presence of the counting observers.

(3) Whilst retrieving a cancelled ballot paper in accordance with paragraph (2), the counting officer and the counting officer’s staff—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person seeing the votes made on the ballot papers, and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

Textual Amendments

F85 Words in Sch. 7 rule 38(2)(c) inserted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 26 (with reg. 1(7))

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Lists of rejected postal ballot papers

39.—(1) The counting officer must keep two separate lists of rejected postal ballot papers.

(2) In the first list, the counting officer must record the ballot paper number of any postal ballot paper for which no valid postal voting statement was received with it.

(3) In the second list, the counting officer must record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that ballot paper is not received with the postal voting statement.

Checking of lists kept under rule 39

40.—(1) Where the counting officer receives a valid postal voting statement without the postal ballot paper to which it relates, the counting officer may, at any time prior to the close of the poll, check the list kept under rule 39 to see whether the number of a postal ballot paper to which the statement relates is entered in that list.

(2) Where the counting officer receives a postal ballot paper without the postal voting statement to which it relates, the counting officer may, at any time prior to the close of the poll, check the list kept under rule 39 to see whether the number of that ballot paper is entered in that list.

(3) The counting officer must conduct the checks required by paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station being used for the purposes of the business referendum.

(4) Where the ballot paper number in the list matches that number on a valid postal voting statement or, as the case may be, the postal ballot paper, the counting officer must retrieve that statement or paper.

(5) The counting officer must then take the appropriate steps under this Part of these Rules as though any document earlier marked “provisionally rejected” had not been so marked and must amend the document accordingly.

Sealing of receptacles

41.—(1) As soon as practicable after the completion of the procedure under paragraphs (1), (2) and (4) of rule 40, the counting officer must make up into separate packets the contents of—

- (a) the receptacle of rejected votes,
- ^{F86}(b)
- (c) the receptacle of rejected ballot paper envelopes,
- (d) the lists of [^{F87}spoilt, lost and cancelled] postal ballot papers,
- (e) the receptacle of rejected votes after verification procedure, and
- (f) the receptacle of postal voting statements after verification procedure,

and must seal up such packets.

(2) Any document in those packets marked “provisionally rejected” must be deemed to be marked “rejected”.

Textual Amendments

F86 Sch. 7 rule 41(1)(b) omitted (6.4.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **27(a)** (with reg. 1(7))

F87 Words in Sch. 7 rule 41(1)(d) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **27(b)** (with reg. 1(7))

Forwarding of documents

42.—(1) The counting officer must forward to the business registration officer at the same time as the counting officer forwards the documents mentioned in rule 72—

- (a) any packets referred to in rules 22(1), 24(1) and (3), 25(6), 26(8), 32(10), 41(1) and paragraph (2), endorsing on each packet a description of its contents, the date of the business referendum, the words “neighbourhood planning business referendum” and the name of the neighbourhood area to which the business referendum relates; and
- (b) a completed statement of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the counting officer after the close of the poll (apart from those delivered in accordance with rule 27(3));
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoiled postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the counting officer must put them unopened in a separate packet, seal up such a packet and endorse and forward it at a subsequent date in the manner described in paragraph (1).

(3) A copy of the statement referred to in paragraph (1)(b) must be provided by the counting officer to the Secretary of State and the Electoral Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.

PART 6

Polling stations

Provision of polling stations

43.—(1) The counting officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the named voters to the polling stations in such manner as the counting officer thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The counting officer must provide each polling station with such number of compartments as may be necessary in which the named voters can mark their votes screened from observation.

(4) The polling station allotted to a named voter who is also voting in person at the corresponding residential referendum must as far as practicable be in the same polling place as the polling station allotted to that person for the corresponding residential referendum.

The appointment of presiding officers and polling clerks

44.—(1) The counting officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the business referendum.

(2) The counting officer may, if that officer thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer apply to a counting officer so presiding with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.

Status: Point in time view as at 10/06/2014.

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(3) A presiding officer may do, by the clerks appointed to assist the officer, any act (including the asking of questions) which the officer is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

45.—(1) The counting officer must as soon as practicable after each publication of the business voting register under paragraph 30(1) of Schedule 6 send an official poll card to each named voter who has chosen to vote in person.

(2) The official poll card must be sent or delivered to the address shown on the voters list.

(3) The official poll card must be in the form set out in Form 5 in the Appendix, or a form to like effect, and must set out—

- (a) the name of the relevant council and of the neighbourhood area;
- (b) the name of the named voter, the business vote holder on whose behalf they are voting and the number on the business voting register;
- (c) the date and hours of the poll and the situation of the named voter’s polling station;
- (d) such other information as the counting officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different named voters or to different descriptions of named voter.

Equipment of polling stations

46.—(1) The counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the counting officer’s opinion may be necessary.

(2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(3) The counting officer must provide each polling station with—

- (a) materials to enable named voters to mark the ballot papers;
- (b) copies of such part of the business voting register as contains the names of the named voters allotted to the station;
- (c) the parts of any voters list corresponding to the business voting register or the part of it provided under sub-paragraph (b);
- (d) a list, in the form set out in Form 6 in the Appendix or a form to like effect, consisting of that part of the list prepared under rule 8 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(4) The reference in paragraph (3)(b) to the copies of the business voting register includes any alterations made to that register under Schedule 6.

(5) The counting officer must also provide each polling station with—

- (a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of named voters who are partially sighted; and
- (b) a device of such description as is set out in paragraph (9) for enabling named voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 56(1)).

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(6) A notice in the form set out in Form 7 in the Appendix, giving directions for the guidance of named voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

(7) The counting officer may also provide copies of the notice mentioned in paragraph (6) in Braille or translated into languages other than English as the counting officer considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(8) In every compartment of every polling station there must be exhibited the notice “BUSINESS REFERENDUM ON [specify: neighbourhood plan/neighbourhood development order] FOR [specify name of neighbourhood area]. Mark a cross (X) in the box next to the answer of your choice. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.”

(9) The device referred to in paragraph (5)(b) must—

- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper;
- (b) hold the ballot paper firmly in place during use; and
- (c) provide suitable means for the named voter to—
 - (i) identify the spaces on the ballot paper on which they may mark their vote;
 - (ii) identify the answer to which each such space refers; and
 - (iii) mark their vote on the space they have chosen.

Appointment of polling observers and counting observers

47.—(1) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation (“polling observers”).

(2) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).

(3) In these Rules references to polling observers and counting observers are to be taken as references to polling observers and counting observers whose appointments have been duly made.

(4) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling observers or counting observers, the non-attendance of any such person at the time and place appointed for the purpose does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

48.—[^{F88}(1)] The counting officer must make such arrangements as the counting officer thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a named voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act, as applied by Schedule 8; and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section, as applied by Schedule 8.

[^{F89}(2) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).]

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Textual Amendments

- F88** Sch. 7 rule 48 renumbered as Sch. 7 rule 48(1) (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **28** (with reg. 1(7))
- F89** Sch. 7 rule 48(2) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **28** (with reg. 1(7))

PART 7

The Poll

Admission to polling station

49.—(1) The presiding officer must exclude all persons from the polling station except—

- (a) named voters;
- (b) persons under the age of 18 who accompany named voters to the polling station;
- (c) the polling observers appointed to attend at the polling station;
- (d) the clerks appointed to attend at the polling station;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000;
- (f) the constables on duty; and
- (g) the companions of named voters with disabilities.

(2) The presiding officer must regulate the total number of named voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) A constable or person employed by a counting officer must not be admitted to vote in person elsewhere than at the polling station allotted to them under these Rules, except on production and surrender of a certificate as to their employment which must be in the form set out in Form 8 in the Appendix, or a form to like effect, and signed by an officer of police of or above the rank of inspector or by the counting officer by whom the person is employed, as the case may be.

(4) Any certificate surrendered under this rule must forthwith be cancelled.

[
^{F90}(5) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).]

Textual Amendments

- F90** Sch. 7 rule 49(5) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **29** (with reg. 1(7))

Keeping of order in polling station

50.—(1) It is the presiding officer's duty to keep order at the presiding officer's polling station.

(2) If a person misconducts themselves in a polling station, or fails to obey the presiding officer's lawful orders, that person may immediately, by the presiding officer's order, be removed from the polling station—

- (a) by a constable in or near that station; or

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(b) by any other person authorised in writing by the counting officer to remove the person, and the person so removed may not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a named voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

51. Immediately before the commencement of the poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place the officer's seal on it in such a manner as to prevent the box being opened without breaking the seal and must place the box in the officer's view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

Questions to be put to named voters

52.—(1) At the time of the application for a ballot paper (but not afterwards), the questions specified in the following Table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the Table; and
- (b) must be put if the letter "R" appears after the question and a polling observer requires the question to be put:

Table

<i>Q no</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as a named voter	(a)—Are you the person whose name appears as AB on the business voting register for this referendum area as named to vote on behalf of CD? <i>(read the whole entry from the register)</i> [R] (b)—Have you already voted here or elsewhere at this business referendum on behalf of CD? [R] (c)—Have you already voted here or elsewhere at this business referendum on behalf of two persons (including yourself)?
2	A person applying as a named voter who is shown on the voters list as entitled to vote by post	(a)—Did you choose to vote by post? (b)—Why have you not voted by post?

(2) A ballot paper must not be delivered to any person required to answer any of the above questions unless that person has answered each question satisfactorily.

(3) Except as authorised by this rule, no inquiry is permitted as to the right of any person to vote.

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Challenge of named voter

- 53.** A person must not be prevented from voting by reason only that—
- (a) any polling observer permitted to be present in accordance with rule 49(1) declares that the polling observer has reasonable cause to believe that the person has committed an offence of personation; or
 - (b) the person is arrested on the grounds that the person is suspected of committing or of being about to commit such an offence.

Voting procedure

54.—(1) A ballot paper must be delivered to a named voter who applies for one, and immediately before delivery—

- (a) the number on the register and name of the named voter must be called out;
- (b) the number on the register must be marked on the list mentioned in rule 46(3)(d) beside the number of the ballot paper to be issued; and
- (c) a mark must be placed in the copy of the business voting register against the number on the register to note that a ballot paper has been received but without showing the particular ballot paper which has been received.

(2) The named voter, on receiving their ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark the ballot paper and fold it up so as to conceal their vote, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

(3) The named voter must vote without undue delay, and must leave the polling station as soon as the named voter has put the named voter's ballot paper into the ballot box.

[
^{F91}(4) A named voter who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter accordingly.]

Textual Amendments

F91 Sch. 7 rule 54(4) inserted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 30 (with reg. 1(7))

Votes marked by presiding officer

- 55.—(1)** The presiding officer, on the application of a named voter—
- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules; or
 - (b) who declares orally that the named voter is unable to read,

must, in the presence of the polling observers (if any), cause that person's vote to be marked on a ballot paper in the manner directed by that person, and the ballot paper to be placed in the ballot box.

(2) The name and number in the business voting register of every person whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

Voting by persons with disabilities

56.—(1) If a named voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other disability; or
- (b) inability to read,

to vote with the assistance of another person by whom the named voter is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the named voter to declare, orally or in writing, whether the named voter is so incapacitated by blindness or other disability, or by the named voter’s inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the named voter is so incapacitated or unable to read; and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a named voter with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of this rule; and
 - (ii) has not previously assisted more than one named voter with disabilities to vote at the business referendum,

the presiding officer must grant the application, and then anything which is by these Rules required to be done to or by that named voter in connection with the giving of their vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these Rules, a person is a named voter with disabilities if that person has made such a declaration as is mentioned in paragraph (1), and a person is qualified to assist a named voter with disabilities to vote if that person—

- (a) is capable of being named as a named voter at the business referendum; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the named voter and has attained the age of 18 years.

(4) The name and number in the register of every person whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the list of named voters with disabilities assisted by companions”).

(5) The declaration made by the companion of a named voter—

- (a) must be in the form set out in Form 9 in the Appendix;
- (b) must be made before the presiding officer at the time when the named voter applies to vote with the assistance of a companion; and
- (c) must forthwith be given to the presiding officer who must attest and retain it.

(6) No fee or other payment may be charged in respect of the declaration.

Tendered ballot papers: circumstances where available

57.—(1) If a person, representing themselves to be a particular named voter named on the business voting register, and not shown on the voters list as entitled to vote by post, applies for a ballot paper after another person has voted in person as the named voter, the applicant is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 58, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other named voter.

(2) Paragraph (3) applies if—

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- (a) a person applies for a ballot paper representing themselves to be a particular named voter named on the business voting register;
- (b) that person is also shown in the voters list as having chosen to vote by post; and
- (c) that person claims that that person did not choose to vote by post at the business referendum.

(3) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 58, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other named voter.

(4) Paragraph (5) applies if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents themselves to be a particular named voter named on the business voting register who is also shown in the voters list as having chosen to vote by post, and claims that the person has lost or has not received their postal ballot paper.

(5) The person is, on satisfactorily answering the questions permitted by law to be asked at the poll, entitled, subject to the provisions of rule 58, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other named voter.

Tendered ballot papers: general provisions

58.—(1) A tendered ballot paper must—

- (a) be of a colour differing from that of the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the officer with the name of the person who has marked a tendered ballot paper and their number in the register of electors, and set aside in a separate packet.

(2) The name of the person who has marked a tendered ballot paper and their number in the business voting register must be entered on a list (in these Rules referred to as the “tendered votes list”).

Spoilt ballot papers

59. A named voter who has inadvertently dealt with their ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to the presiding officer’s satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

Alterations of register on day of poll

60. The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made—

- (a) by virtue of paragraph 23 or 24 of Schedule 6, or
- (b) as a result of a decision on appeal under paragraph 29 of Schedule 6,

which takes effect on the day of the poll.

Adjournment of poll in case of riot

61.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings until the following day and must forthwith give notice to the counting officer.

(2) Where the poll is adjourned at any polling station—

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- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
- (b) references in these Rules to the close of the poll are construed accordingly.

Procedure on close of poll

62.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling observers (if any), make up into separate packets, sealed with the presiding officer's own seal and the seals of such polling observers as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the business voting register;
- (e) the lists prepared under rule 8 including the parts which were completed in accordance with rule 54(1)(b) (together referred to in these Rules as “the completed corresponding number lists”);
- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the list of named voters assisted by companions, the list of votes marked by the presiding officer, a statement of the number of named voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 56, and the declarations made by the companions of named voters,

and must deliver the packets or cause them to be delivered to the counting officer to be taken charge of by that person; but if the packets are not delivered by the presiding officer personally to the counting officer, the arrangements for their delivery require the counting officer's approval.

(2) The marked copies of the business voting register must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(3) The packets must be accompanied by a statement (in these Rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to that officer, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

PART 8

Counting of Votes

Attendance at counting of votes

63.—(1) The counting officer must make arrangements for counting the votes in the presence of the counting observers as soon as practicable after the close of the poll, and must give to the counting observers notice in writing of the time and place at which the counting officer will begin to count the votes.

- (2) No person other than—
 - (a) the Chief Counting Officer, the counting officer and the counting officer's clerks;
 - (b) the counting observers; and

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(c) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000, may be present at the counting of the votes, unless permitted by the counting officer to attend.

(3) A person not entitled to attend at the counting of the votes is not permitted to do so by the counting officer unless the counting officer is satisfied that the efficient counting of the votes will not be impeded.

(4) The counting officer must give the counting observers all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the officer can give them consistent with the orderly conduct of the proceedings and the discharge of the officer's duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the answer for which the vote is given and then counting the number of ballot papers for each answer, the counting observers are entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

64.—(1) The counting officer must—

- (a) in the presence of the counting observers open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the counting observers verify each ballot paper account; and
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) The counting officer must not count the votes given on any ballot papers until—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box; and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box (if there is another ballot box).

(3) A postal ballot paper must not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (4) and reaches the counting officer or any polling station used at the business referendum in question before the close of the poll;
- (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (4) and reaches the counting officer or such a polling station before that time;
- (c) the postal voting statement also states the date of birth of the named voter; and

[^{F92}(d) the counting officer verifies the date of birth and signature of the named voter.]

[^{F93}(3A) A postal ballot paper or postal voting statement that reaches the counting officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (3) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.]

(4) The manner in which any postal ballot paper or postal voting statement may be returned—

- (a) to the counting officer, is by hand or by post;
- (b) to a polling station, is by hand.

(5) The counting officer must not count any tendered ballot paper.

(6) The counting officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for

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preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(7) The counting officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoilt ballot papers in the officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting observer may copy.

(8) Where the referendum area comprises any part of the area of more than one relevant council, as soon as is practicable after the counting officer has drawn up the statement as to the result of the verification, the counting officer must inform the Chief Counting Officer of its content.

(9) The counting officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the counting officer may exclude the hours between 7 in the evening and 9 on the following morning.

(10) During the time so excluded the counting officer must—

- (a) place the ballot papers and other documents relating to the business referendum under the counting officer's own seal and the seals of such counting observers as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

Textual Amendments

- F92** Sch. 7 rule 64(3)(d) substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **31(1)** (with reg. 1(7))
- F93** Sch. 7 rule 64(3A) inserted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(6), **31(2)** (with reg. 1(7))

Re-count

65.—(1) The counting officer may have the votes re-counted or again re-counted.

(2) Paragraphs (3) to (7) apply where the referendum area comprises any part of the area of more than one relevant council.

(3) As soon as practicable after the conclusion of the count (which includes any re-count whether or not directed under this rule), the counting officer must draw up a provisional statement showing—

- (a) the number of ballot papers counted by the counting officer;
- (b) the number of votes cast in favour of each answer to the question asked in the business referendum.

(4) As soon as possible after completion of the provisional statement, the counting officer must inform the Chief Counting Officer of its contents.

(5) Once the Chief Counting Officer has received the report of any counting officer on the contents of that counting officer's provisional statement prepared under paragraph (3) and under rule 66(5), the Chief Counting Officer may direct the counting officer to re-count (or further re-count) the votes.

(6) A re-count directed by the Chief Counting Officer under paragraph (5) may be of the votes in the whole referendum area, or in the areas of such of the relevant councils falling within the referendum area as the Chief Counting Officer considers reasonable.

(7) A counting officer must proceed with a re-count as soon as practicable after receipt of the Chief Counting Officer's direction, and if not proceeding forthwith must notify those counting

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observers entitled to be present at the re-count of the time and place at which the counting officer will begin to re-count the votes.

Rejected ballot papers

66.—(1) Any ballot paper—

- (a) which does not bear the official mark; or
- (b) on which votes are given for more than one answer; or
- (c) on which anything is written or marked by which the named voter or business vote holder can be identified except the printed number and other unique identifying mark on the back; or
- (d) which is unmarked or void for uncertainty,

is, subject to paragraph (2), void and must not be counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place; or
- (b) otherwise than by means of a cross; or
- (c) by more than one mark,

is not for such reason deemed to be void if an intention that the vote is for one or the other of the answers clearly appears, and the way the paper is marked does not itself identify the named voter or business vote holder and it is not shown that the named voter or business vote holder can be identified by it.

(3) The counting officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if any objection is made by a counting observer to the counting officer’s decision.

(4) Subject to paragraph (5), the counting officer must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one answer;
- (c) writing or mark by which the named voter or business vote holder could be identified;
- (d) unmarked or void for uncertainty.

(5) Where the referendum area comprises any part of the area of more than one relevant council, the statement referred to in paragraph (4) above is to be a provisional statement and as soon as practicable after the completion of that statement, the counting officer must inform the Chief Counting Officer of its contents.

Decisions on ballot papers

67. The decision of the counting officer on any question arising in respect of a ballot paper is final.

Equality of votes

68. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between the answers, the result is that there is no majority in favour of the making of the plan or order.

PART 9

Declaration of Result and Disposal of Documents

Declaration of result

- 69.**—(1) This rule applies where rule 70 does not apply.
- (2) When the result of the poll has been ascertained, the counting officer must forthwith—
- (a) declare the result of the business referendum;
 - (b) inform the proper officer of the relevant council of the result of the business referendum;
 - (c) give public notice of—
 - (i) the result of the business referendum;
 - (ii) the number of ballot papers counted;
 - (iii) the total number of votes cast for each answer; and
 - (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

Declaration of result: cross-boundary referendum areas

70.—(1) This rule applies where the referendum area comprises any part of the area of more than one relevant council.

(2) When the Chief Counting Officer is satisfied the result of the poll has been ascertained, the Chief Counting Officer must direct the counting officers to draw up a final statement of the matters referred to in rule 65(3) and to provide final versions of their statements of rejected ballot papers.

- (3) The counting officer, having drawn up the final statement, must—
- (a) forthwith inform the Chief Counting Officer of its contents; and
 - (b) as soon as reasonably practicable give the Chief Counting Officer notice of the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.
- (4) When authorised by the Chief Counting Officer to do so, each counting officer must—
- (a) make a declaration of the matters referred to in the final statement; and
 - (b) give public notice of those matters together with the number of rejected ballot papers under each head shown in the final statement of rejected ballot papers.
- (5) The Chief Counting Officer, having received notification of the final statement from each counting officer referred to in paragraph (2) must—
- (a) draw up a statement of—
 - (i) the total number of ballot papers counted, and
 - (ii) the total number of votes cast in favour of each answer to the question asked, in respect of the business referendum;
 - (b) declare the result of the business referendum;
 - (c) inform the proper officer of each relevant council of the result of the business referendum;
 - (d) give public notice of—
 - (i) the result of the business referendum;
 - (ii) the number of ballot papers counted;

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- (iii) the total number of votes cast for each answer; and
- (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

Sealing up of ballot papers

71.—(1) On the completion of the counting at a business referendum the counting officer must seal up in separate packets the counted and rejected ballot papers.

- (2) The counting officer must not open the sealed packets of—
 - (a) tendered ballot papers;
 - (b) the completed corresponding number lists;
 - (c) certificates as to employment on duty on the day of the poll; or
 - (d) marked copies of the business voting register.

Delivery of documents to business registration officer

72. The counting officer must then forward to the business registration officer the following documents—

- (a) the packets of ballot papers in the counting officer’s possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts;
- (c) the tendered votes lists, the lists of named voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 60, and the declarations made by the companions of named voters with disabilities;
- (d) the packets of the completed corresponding number lists;
- (e) the packets of certificates as to employment on duty on the day of the poll; and
- (f) the packets containing marked copies of business voting registers and voters lists,

endorsing on each packet a description of its contents, the date of the business referendum, the words “neighbourhood planning business referendum” and the name of the neighbourhood area to which the business referendum relates.

Orders for production of documents

73.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the business registration officer; or
- (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the business registration officer’s custody,

may be made by a county court or the High Court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of proceedings brought as mentioned in section 61N(3) of the 1990 Act.

- (2) An order under this rule may be made subject to such conditions as to—
 - (a) persons;

- (b) time;
- (c) place and mode of inspection;
- (d) production or opening,

as the court making the order may think expedient.

(3) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular named voter or business vote holder has been given is not disclosed until it has been proved—

- (a) that their vote was given; and
- (b) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the business registration officer of any document in the business registration officer's possession relating to any specified business referendum—

- (a) the production by the business registration officer or that officer's agent of the document ordered in such manner as may be directed by that order is conclusive evidence that the document relates to the specified business referendum; and
- (b) any endorsement on any packet of ballot papers so produced is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any business referendum; and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

is prima facie evidence that the person whose vote was given by that ballot paper was the person whose entry in the business voting register at the time of the business referendum contained the same number as the number written as mentioned in sub-paragraph (b) of this paragraph.

(8) Save as by this rule provided, no person is to be allowed to inspect any rejected or counted ballot papers in the possession of the business registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

Retention of documents

74. The business registration officer must retain for one year all documents relating to a business referendum forwarded to that officer in pursuance of these Rules by a counting officer, and then, unless otherwise directed by an order of a county court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

PART 10

Appendix of Forms

Note:—The forms contained in this Appendix may be adapted so far as circumstances require.

Form 1 - Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Form 2 - Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

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- Form 3 - Corresponding Number List L1
- Form 4 - Form of Business Referendum Postal Voting Statement
- Form 5 - Official Poll Card (to be sent to a named voter voting in person)
- Form 6 - Corresponding Number List L2
- Form 7 - Form of directions for the guidance of the named voters in voting
- Form 8 - Form of Certificate of Employment
- Form 9 - Form of declaration to be made by the companion of a named voter with disabilities

Form 1 – form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Front of ballot paper

Business Referendum on the Neighbourhood Plan for [insert name of neighbourhood area]	
Do you want [insert name of local planning authority] to use the Neighbourhood Plan for [insert name of neighbourhood area] to help it decide planning applications in the neighbourhood area?	
Vote only ONCE by marking a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Business Referendum on the Neighbourhood Plan for [insert name of neighbourhood area] on [insert date]

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

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Form 2 – form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Front of ballot paper

Business Referendum on the Neighbourhood Development Order for [insert name of neighbourhood area]	
Do you want the type of development in the Neighbourhood Development Order for [insert name of neighbourhood area] to have planning permission?	
Vote only ONCE by making a cross (X) in the box next to your choice	
Yes	
No	

Back of ballot paper

Ballot Paper Number
Other Unique Identifying Mark
Business Referendum on the Neighbourhood Development Order for [insert name of neighbourhood area] on [insert date]

Directions as to printing the ballot paper

Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.

Status: Point in time view as at 10/06/2014.

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Form 3 – Corresponding Number List L1

Corresponding Number List – L1 (to be used at a business referendum)		
Referendum Area:		
Date of Poll:		
Sheet No:		
Ballot Paper Number	Unique Identifying Mark	Number on business voting register <i>(to be completed only in respect of ballot papers issued to named voters voting by post)</i>

[F94 Form 4: Form of Business Referendum Postal Voting Statement

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Textual Amendments
F94 Sch. 7 Pt. 10 Form 4 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 32, **Sch. 5** (with reg. 1(7))

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<h2 style="margin: 0;">Business Referendum Postal voting statement</h2>	<p>[Space for barcode]</p>														
<p>Business Referendum on the <i>[Neighbourhood Plan / Neighbourhood Development Order]</i> for <i>[insert name of neighbourhood area]</i></p>															
<p>Date of referendum <i>[day] [date] [month] [year]</i></p>															
<p>Important – you must fill in and return this postal voting statement with your completed ballot paper for it to be counted.</p> <p>Please read the instructions carefully and use a black pen.</p> <p>Name _____ Ballot paper number _____</p> <p>(!) Check that the number on the back of your ballot paper matches the number shown above. If these do not match, call us immediately on <i>(insert helpline number)</i>.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>I am the person the ballot paper numbered above was sent to.</p> <p>My Date of Birth is:</p> <table style="margin-left: 100px; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></td> <td style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></td> <td style="width: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></td> <td style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></td> <td style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></td> <td style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></td> </tr> <tr> <td style="text-align: center;">Day</td> <td></td> <td></td> <td style="text-align: center;">Month</td> <td></td> <td></td> <td style="text-align: center;">Year</td> </tr> </table> <p>* My Signature is: (You must sign inside the box)</p> <p><i>* Counting Officer to omit box where the named voter has been granted a waiver</i></p> <div style="border: 1px solid black; width: 200px; height: 50px; margin-left: 100px;"></div> </div> <p>We will check this information against our records for security.</p> <p>It is an offence to vote using a ballot paper that was not sent for your use or interfere with another named voter's ballot paper. It is an offence to vote more than once on behalf of the same Business Vote Holder.</p> <p><i>Counting Officer to add pictorial guidance as appropriate.</i></p>									Day			Month			Year
Day			Month			Year									

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Instructions for voting by post

Please read through carefully. If you need help, please call us on *[insert helpline number]*

1. For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper.
2. Make sure you have filled in the **date of birth **[and signature]* box[es]** on this postal voting statement.
**Counting Officer to delete where named voter is granted a waiver.*
3. Mark a cross in the box next to the answer of your choice.
4. Do not mark the ballot paper in any other way or your vote may not count.
5. We must get your postal vote by **10pm on *[day]* *[date of poll]***. If you miss the post, you can hand it in at our office or at any polling station used for the business referendum before **10pm on *[day]* *[date of poll]***.
6. After receiving this postal vote, you cannot vote in person at a polling station in this referendum.

Getting help

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on *[insert helpline number]*. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can get a replacement. Call us immediately as **we can only issue a replacement before 5pm on *[day]* *[date]* *[month]***. If you apply after 5pm on *[day before poll]* we can only issue a replacement if you return this ballot pack by hand.

Electoral fraud is a crime. It is an offence to vote more than once (unless you are a named voter on behalf of another business at the referendum).
(You may vote at the residential referendum on the same *[plan]* / *[order]* if you are entitled to vote on it as a resident as well.)

The Counting Officer issued this statement.
Counting Officer to add pictorial guidance as appropriate.

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^{F95}Form 5: Official Poll Card (to be sent to a named voter voting in person)

Textual Amendments

F95 Sch. 7 Pt. 10 Form 5 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 32, **Sch. 5** (with reg. 1(7))

Front of card

Business referendum poll card	
Business Referendum on the <i>[insert name of neighbourhood plan / neighbourhood development order]</i> for <i>[insert name of neighbourhood area]</i> (Relevant Council: <i>[insert name of relevant council]</i>)	
Date of referendum <i>[day] [date] [month] [year]</i>	
Voting information	
Polling day	
Voting hours	
Your polling station will be	

Your details:
 Named voter's name and qualifying address details
 Business vote holder's Number on register.

This card is to tell you that for this business referendum, the person shown on the back of this card has named you to vote on their behalf
 You do not have to take this card with you in order to vote

Please turn over

Back of card

You have been named to vote on behalf of:
[Name of business vote holder]

If after 5pm on *[the eleventh day before the date of the poll]* you are unable to vote in person because you:

- Have a medical emergency, or
- Learn you cannot go to the polling station because of work reasons

The business vote holder can appoint someone else to vote on his or her behalf. Completed applications must reach us before 5pm on *[day] [date of deadline]*. To find out how to apply, call the helpline immediately.

The Counting Officer issued this card.

- 📞 If you need information in another format, please call our helpline below.
- 📞 If you need help to vote, you can ask someone you know or get independent help by calling our helpline:
[insert helpline or other details including website]

If you are away or cannot go to the polling station on *[day] [date of poll]* you can:

- Apply to vote by post. Completed applications must reach us before 5pm on *[day] [date of deadline]*. If you are given a postal vote, you will not be able to vote in person at this referendum.

It is an offence to:

- vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper
- vote more than once on behalf of the same business vote holder

The Counting Officer issued this card.

If undelivered return to:
[insert return address]

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1

Form 6 – Corresponding Number List L2

Corresponding Number List – L2 (to be used at a business referendum)	
Referendum Area:	
Date of Poll:	
Polling Station:	
Sheet No:	
Ballot Paper Number	Number on business voting register

[^{F96}Form 7: Form of directions for the guidance of the named voters in voting

Textual Amendments

F96 Sch. 7 Pt. 10 Form 7 substituted (6.4.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014](#) (S.I. 2014/333), regs. 1(6), 32, **Sch. 5** (with reg. 1(7))

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How to vote at this Business Referendum

1

Go to the desk and tell the staff your name and address and on whose behalf you are voting.
They will give you your ballot paper.



2

Take your ballot paper to a voting booth.



3

Read the instructions in the booth and mark your ballot paper.



4

When you have marked your ballot paper, fold it so that nobody can see how you have voted.



5

Put your folded ballot paper into the ballot box.



(!) Voting is secret. Do not let anyone see how you have voted.
🗣️ If you make a mistake or need some help, just ask the staff.

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[^{F97}Form 8: Form of Certificate of Employment

Textual Amendments
F97 Sch. 7 Pt. 10 Form 8 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 32, **Sch. 5** (with reg. 1(7))

Certificate of Employment
Business Referendum on the [Neighbourhood Plan / Neighbourhood Development Order] for [insert name of neighbourhood area]
Date of referendum [day] [date] [month] [year]
The person named below is entitled to vote at any polling station used for the referendum on production and surrender of this certificate to the Presiding Officer.
I certify that _____ (name of Named Voter) who is voting on behalf of the business vote holder numbered* _____ in the business voting register, cannot reasonably be expected to go in person to the polling station allotted to the named voter at this business referendum by reason of his/her employment on the above date for a purpose connected with this referendum: – as a constable** – as a Police Community Support Officer** – by me (Only applies to Counting Officer's staff)** Signature _____ Counting Officer/Police Officer (Inspector or above)** Date _____
* The business vote holder's number can be found on the poll card which was sent to them shortly after the election was announced, or can be checked by contacting the Business Registration Officer. ** Person completing the form to delete whichever does not apply.

]

[^{F98}Form 9: Form of declaration to be made by the companion of a named voter with disabilities

Textual Amendments
F98 Sch. 7 Pt. 10 Form 9 substituted (6.4.2014) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 (S.I. 2014/333), regs. 1(6), 32, **Sch. 5** (with reg. 1(7))

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Declaration for the companion of a named voter with disabilities			
Business Referendum on the [Neighbourhood Plan / Neighbourhood Development Order] for [insert name of neighbourhood area]			
Date of referendum [day] [date] [month] [year]			
A named voter with disabilities is a voter who has made a declaration that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote in this referendum without assistance.			
Part 1 To be completed by the named voter's companion			
Companion's name			
Companion's address			
Name of named voter			
Number on business voting register			
Name of business vote holder			
<p>I have been requested to assist the above named voter to record their vote at this election. I declare that:</p> <p>(1)</p> <ul style="list-style-type: none"> • I am capable of being a named voter in the above business referendum or • I am the *spouse/*civil partner/*parent/*brother/*sister/*child of the named voter with disabilities and am 18 years of age or over *Please delete whichever does not apply <p>AND</p> <p>(2)</p> <ul style="list-style-type: none"> • I have not previously assisted more than one named voter with disabilities at the referendum. If I have assisted one other named voter their name and address is: 			
[Complete if appropriate] Name and address of other person assisted			
NOTE – It is a criminal offence to knowingly make a false statement in this form.			
Companion's signature		Date	

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Part 2 To be completed by the Presiding Officer			
I, the undersigned, being the Presiding Officer for:			
Polling station		Neighbourhood area of	
Hereby certify that the above declaration was signed in my presence.		Presiding Officer signature	
Date		Time (exact)	

[^{F99}SCHEDULE 8

Regulation 17

Application, with Modification, of other Acts and
Subordinate Legislation in respect of Business Referendums**Textual Amendments****F99** Sch. 8 inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, 7, **Sch. 3****Table 1**

Representation of the People Act 1983

<i>Provision</i>	<i>Modification</i>
Section 35(4) (appointments by returning officers)	
Section 36(4) and (6) (returning officer's expenditure at local elections)	In subsection (4)— (a) for the words from “by a returning officer” to “London borough” substitute “by the counting officer for a relevant council in relation to the holding of a business referendum”; and (b) for the words “the council for that area” substitute “that council”.
	In subsection (6) for the words from the beginning to “councillor, the council” substitute “Before a poll is taken at such a business referendum as is referred to in subsection (4), the authority”.
	The first reference in subsection (6) to the council who appointed the returning officer must be construed as a reference to the council who appointed the returning officer, but other references to the returning officer must be construed as references to the counting officer.
Section 47 (loan of equipment for local elections)	
Section 49(5)(except (5)(b)(iii)) ^{F100} ... (effect of registers)	In subsection (5) for the words from “parliamentary or local government elector” to “list of proxies” substitute “named voter”, and omit “prevent the rejection of a vote on a scrutiny, or”.
	In subsection (5)(b)(iv) for the words “a local government elector” substitute “named voter”.
	F101

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<i>Provision</i>	<i>Modification</i>
	. . .
Section 52(1) to (4) (discharge of registration duties)	A reference to functions under the 1983 Act is construed as a reference to functions under these Regulations.
Section 54(1), (3) and (4) (payment of expenses of registration)	A reference to functions under the 1983 Act [^{F102} or the Electoral Registration and Administration Act 2013] is construed as a reference to functions under these Regulations.
Section 60 (personation)	In subsection (2) for the words “parliamentary or local government election” substitute “business referendum”.
	In subsection (2)(a) for the words “whether as an elector or as proxy” substitute “as a named voter”.
	In subsection (2)(b), in both cases where the word appears, for the word “proxy” substitute “a named voter”.
Section 61(1) and (3) to (7) (other voting offences)	For subsection (1) substitute— “(1) A person (“P”) shall be guilty of an offence if— (a) P applies to vote as named voter (in person or by post) when subject to a legal incapacity, or (b) P nominates a person to be a named voter knowing that that person is subject to a legal incapacity to vote at the business referendum.”
	For subsection (3) and (4) substitute— “(3) A person (“P”) shall be guilty of an offence if— (a) P votes as a named voter for the same business vote holder more than once in the same business referendum, or (b) P votes in person as named voter for a business vote holder at a business referendum at which he is entitled to vote by post as named voter for that business vote holder. (4) A person (“P”) shall also be guilty of an offence if he votes as named voter for more than two business vote holders.”
	For subsection (6A) substitute— “(6A) Rules”.

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<i>Provision</i>	<i>Modification</i>
Section 62A (except (4) and (6)) (offences relating to applications for postal and proxy votes)	In subsection (1)(a) after “election” insert “or business referendum”.
	For subsection (2) substitute— “(2) These are the acts— (a) completing a voting choices form as some other person (whether that other person is living or dead or is a fictitious person); (b) otherwise making a false statement in, or in connection with, a registration response form; (c) inducing the business registration officer or counting officer to send a postal ballot paper or any communication relating to a postal vote to an address which has not been agreed to by the named voter; (d) causing any communication relating to a postal vote or containing a postal ballot paper not to be delivered to the intended recipient”.
Section 63 (breach of official duty)	In subsection (3) for the words “parliamentary or local government elections or the registration of parliamentary or local government electors” substitute “business referendums or the registration of business vote holders for the purposes of a business referendum”.
	In subsection (4)(a) after the words “for an election” insert “or a business referendum”.
Section 65 (tampering with ballot papers, etc)	In subsection (1)— (a) after “election”, in the first place it occurs, insert “or business referendum”, and (b) omit paragraph (a).
Section 66 (except (7) and (8)) (requirement of secrecy)	For subsections (1) to (4) substitute— (1) The following persons— (a) every counting officer and every presiding officer or clerk attending at a polling station, (b) every polling observer so attending,

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<i>Provision</i>	<i>Modification</i>
	<p>(c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,</p> <p>shall maintain and aid in the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—</p> <p>(i) the name of any named voter who has or has not applied for a ballot paper or voted at a polling station;</p> <p>(ii) the number on the business voting register of any business vote holder who has or has not applied for a ballot paper or voted at a polling station; or</p> <p>(iii) the official mark.</p>
	<p>(2) Every person so attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—</p> <p>(a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;</p> <p>(b) communicate any information obtained at the counting of the votes as to the answer for which any vote is given on any particular ballot paper.</p> <p>(3) No person shall—</p> <p>(a) interfere with or attempt to interfere with a named voter when recording a vote;</p> <p>(b) otherwise obtain or attempt to obtain in a polling station information as to the answer for which a named voter in that station is about to vote or has voted;</p> <p>(c) communicate at any time to any person any information obtained in a polling station as to the answer for which a named voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a named voter at that station;</p>

<i>Provision</i>	<i>Modification</i>
	<p>(d) directly or indirectly induce a named voter to display their ballot paper after they have marked it so as to make known to any person the answer for which they have or have not voted.</p> <p>(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for named voters voting by post must maintain and aid in maintaining the secrecy of the vote and shall not—</p> <p>(a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or</p> <p>(b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person;</p> <p>(c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or</p> <p>(d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the answer for which any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.</p>
Section 66A (prohibition of exit polls)	<p>In subsection (2) omit the “and” preceding paragraph (b) and after that paragraph insert—</p> <p>“; and</p> <p>(c) a business referendum.”.</p>
Section 92 (broadcasting from outside the United Kingdom)	In subsection (1) after “local government election” insert “or business referendum”.
Section 94 (imitation poll cards)	In subsection (1) after “local government election” insert “or business referendum”.
	<p>In subsection (2)—</p> <p>(a) after “local government elections” insert “or business referendum”,</p>

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<i>Provision</i>	<i>Modification</i>
	<p>(b) after “section 42 above” insert “, or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990,”, and</p> <p>(c) after “the rules”, insert “or, as the case may be, the regulations”.</p>
<p>Section 96 (schools and rooms for local election meetings)</p>	<p>For subsections (1) to (4) substitute—</p> <p>“(1) Subject to the provisions of this section, any person is entitled, for the purpose of holding a public meeting to promote a particular result in a business referendum, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies.</p> <p>(2) In subsection (1), “the campaign period” means the period between the last day on which notice of the business referendum may be published in accordance with these Regulations and the day before the date of the business referendum.</p> <p>(3) This section applies to any meeting room situated in the area of a relevant council, the expense of maintaining which is payable by a local authority.</p> <p>(4) Subsections (4), (5) and (7) of section 95 shall apply for the purposes of this section as it applies to that section, except that a reference to a candidate is construed as a reference to a person.</p> <p>(5) The lists maintained by a county council, district council or London borough council of meeting rooms which candidates at a parliamentary election in any constituency are entitled to use shall have effect for the purposes of the business referendum; and any person shall, before the business referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.”</p>
<p>Section 97 (disturbances at election meetings)</p>	<p>For subsection (2) substitute—</p> <p>“(2) This section applies to a meeting in connection with a business referendum held during the campaign period.</p> <p>(2A) In subsection (2) “the campaign period” means the period between the last day on which notice of the business referendum may be published and the day before the date of the business referendum.”.</p>
<p>Section 100(1) and (2) (illegal canvassing by police officers)</p>	<p>In subsection (1) for the words from “from giving his vote” to the end substitute “from giving their vote in a referendum under</p>

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<i>Provision</i>	<i>Modification</i>
	Schedule 4B to the Town and Country Planning Act 1990 in relation to a referendum area wholly or partly within the police area”.
Section 109 (payments for the exhibition of election notices)	
Section 110 (details to appear on election publications)	
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Section 113 (bribery)	
Section 114 (treating)	
Section 115 (undue influence)	
Section 116 (rights of creditors)	Omit paragraphs (b) and (c).
Section 118 (interpretation of Part 2)	
Section 119 (computation of time for purposes of Part 2)	In subsection (1)(b) after “disregarded” insert- “; and (c) in computing any period referred to in section 96(2) or 97(2A), as applied for the purposes of a business referendum under Schedule 4B to the Town and Country Planning Act 1990, any of the days so mentioned shall be disregarded.”
Section 167 (application for relief)	In subsection (1) omit the words “or an election court”.
Section 168 (prosecutions for corrupt practices)	
Section 169 (prosecutions for illegal practices)	
Section 170 (conviction of illegal practices on charge of corrupt practice etc)	
Section 173 (incapacities)	In subsection (1)(a)(i) after “Great Britain” insert “or being named to vote or voting as a named voter in a business referendum”.
Section 175 (illegal payments etc)	Omit subsection (2).
Section 176 (time limit for prosecutions)	
Section 177 (summary trial)	For “the election under the local government Act” substitute “the business referendum”; In subsection (1)(a) for the words from “in the county” to “adjoins” substitute “for the

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<i>Provision</i>	<i>Modification</i>
	referendum area in which the offence is alleged to have been committed”.
Section 178 (prosecution of offences committed outside the United Kingdom)	
Section 179 (offences by association)	
Section 181 (Director of Public Prosecutions)	
Section 185 (interpretation of Part 3)	
Section 199B (translations of certain documents)	The reference to the requirements of a sample copy is construed as a reference to the requirements set out in the Neighbourhood Planning Business Referendums Rules.
Section 200(1A) and (2) (public notices, and declarations)	
Section 202 (interpretation)	Before subsection (2) insert— (1A) Any term used in this Act which is defined in the Neighbourhood Planning (Referendums) Regulations 2012 shall have the meaning given to it by those Regulations.

Textual Amendments

F100 Words in Sch. 8 Table 1 omitted (10.6.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(4), **33(1)(a)**; S.I. 2014/414, art. 5(m)

F101 Words in Sch. 8 Table 1 omitted (10.6.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(4), **33(1)(b)**; S.I. 2014/414, art. 5(m)

F102 Words in Sch. 8 Table 1 inserted (10.6.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(5), **33(2)**; S.I. 2014/414, art. 5(m)

Table 2

Representation of the People Act 2000

<i>Provision</i>	<i>Modification</i>
Section 10 (pilot schemes for local elections in England and Wales)	In subsection (2)— (a) after “Representation of the People Acts”, insert “or the Town and Country Planning Act 1990”, and (b) in paragraph (c) for “candidates” substitute “any campaign organiser within the meaning of regulation 6”.
	In subsection (3)—

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<i>Provision</i>	<i>Modification</i>
	(a) in paragraph (b) for “candidates” substitute “campaign organisers”, and (b) for “section 75(1) of the 1983 Act (restriction on third party election expenditure)” substitute “regulation 6”.
	Omit subsection (4).
	At the end of subsection (7)(a) insert “or the Town and Country Planning Act 1990”.

Table 3

Political Parties, Elections and Referendums Act 2000

<i>Provision</i>	<i>Modification</i>
Section 6A (attendance of representatives of Commission at elections etc)	After subsection (1)(b) insert— “(c) proceedings relating to a business referendum under Schedule 4B to the Town and Country Planning Act 1990 which are the responsibility of the counting officer”.
Section 6B (observation of working practices by representatives of Commission)	After subsection (2) insert— “(2A) A representative of the Commission may also observe the working practices of a counting officer at a business referendum under Schedule 4B to the Town and Country Planning Act 1990, and any person acting under the counting officer’s direction.”
Section 6C (accredited observers: individuals)	After subsection (1) after “applies” insert “or which is held under Schedule 4B to the Town and Country Planning Act 1990
Section 6D (accredited observers: organisations)	After subsection (1) after “applies” insert “or which is held under Schedule 4B to the Town and Country Planning Act 1990”.
Section 6E (attendance and conduct of observers)	“After subsection (4)(c) insert— (ca) in the case of any other proceedings at a business referendum under Schedule 4B to the Town and Country Planning Act 1990, the counting officer;”.

Table 4

Electoral Administration Act 2006

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<i>Provision</i>	<i>Modification</i>
Section 42 (access to other election documents)	In subsection (1)(b) for “election documents” substitute “business referendum documents”.
Section 43 (access to other election documents: contravention of regulations)	In subsection (1)(a) after “section 42”, insert “as applied by the Neighbourhood Planning (Referendums) Regulations 2012.
Section 44 (access to other election documents: supplementary)	In subsection (3)(b) for the words “such registration officer as the Secretary of State by order appoints”, insert “the business registration officer of the relevant council or where the referendum area comprises the areas of two or more councils, the returning officer of the relevant council in whose portion of the referendum area the greater or greatest (as the case may be) number of local government electors are registered”. In subsection (5) for the words “election documents” to “Northern Ireland)” substitute “business referendum documents are such documents relating to a business referendum”.
Section 46 (returning officers: correction of procedural errors)	Omit subsection (6).]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the conduct of referendums held under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 (“the 1990 Act”). These Regulations only apply in relation to England. The referendums will relate to the question of whether a neighbourhood plan, neighbourhood development order or a community right to build order is approved.

Regulation 3 and Schedule 1 prescribe the form of words of the question to be asked in a referendum.

Regulation 4 sets out the further information that must be published in connection with a referendum, not fewer than 28 days before the date it is held. And provides for certain days to be ignored in calculating the referendum period.

Regulation 5 imposes restrictions on the material that may be published by or on behalf of the relevant council and the local planning authority for the area during the period of 28 days before the date the referendum is held.

Regulation 6 imposes a referendum expenses limit on the amount that may be incurred by way of referendum expenses. Schedule 2 makes provision about the matters relevant to referendum expenses. Under regulation 6(3) it is an offence for a campaign organiser in certain circumstances

to exceed that limit. Regulation 7 provides for amounts relevant to certain property, services and facilities to be treated as incurred by way of referendum expenses for the purposes of regulation 6. Regulation 8 provides that a referendum is to be conducted in accordance with the Neighbourhood Planning Referendums Rules (set out in Schedule 3), where the poll is not taken together with the poll at another election or referendum. Other electoral legislation is applied, with modifications, to facilitate the conduct of referendums (set out in Tables 1 to 6 of Schedule 4).

Regulation 9 specifies who is to be the counting officer at the referendum and makes provision in relation to the counting officer's duties.

Regulation 10 allows a relevant council, where the referendum area comprises any part of the area of two or more relevant councils, to appoint a chief counting officer in relation to the referendum, who may give directions to a counting officer.

Regulation 11 makes provision for the combination of polls. Where another election or referendum is to be held within 28 days of the date proposed for the referendum they may be combined if the returning officers and counting officer think fit.

Regulation 12 makes provision for the conduct of referendums where combined with polls at elections or other referendums. The rules for conducting such referendums are the Neighbourhood Planning Referendums (Combination of Polls) Rules (set out in Schedule 5). Other electoral legislation is applied to facilitate the conduct of such referendums (set out in Tables 1 to 6 of Schedule 4).

Regulation 13 makes provision about the conduct of elections (or other referendums) when they are combined with the poll at the referendum. Other electoral legislation is applied to facilitate the conduct of such referendums (set out in Tables 2, 3 and 6 and Parts 2 and 3 of Schedule 4).

Regulation 14 exempts advertisements relating specifically to the referendum from regulations under the Town and Country Planning Act 1990 (c. 8) controlling the display of advertisements.

Regulation 15 provides that premises used in relation to the referendum for public meetings or the taking of polls are to be treated as unoccupied for rating purposes.

Regulation 16 makes provision for co-operation between authorities where the relevant council holding the referendum is not the local planning authority.

An impact assessment has been prepared in relation to these Regulations. The assessment has been placed in the Library of each House of Parliament and can be found on the Department for Communities and Local Government website (<http://www.communities.gov.uk>).

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