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STATUTORY INSTRUMENTS

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**2012 No. 323**

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

**Immediate consequences of referendum petitions**

**16.**—(1) This regulation, apart from paragraph (5), applies where—

- (a) a referendum petition is presented on any of the grounds mentioned in regulation 15(1) (a) to (c); or
- (b) leave is granted to the presentation of a referendum petition brought under the ground mentioned in regulation 15(1)(d).

(2) Where this regulation applies—

- (a) in relation to a referendum—
  - (i) at which the question asked was in the form set out in paragraph 3, 4, 5 or 6 of Schedule 1; and
  - (ii) in which the majority of the votes cast are in favour of the authority operating arrangements which differ from their existing arrangements; and
- (b) before the authority have passed a resolution under section 9KC,

the authority must take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

(3) Where this regulation applies—

- (a) in relation to a referendum—
  - (i) at which the question asked was in the form set out in paragraph 3, 4, 5 or 6 of Schedule 1; and
  - (ii) in which the majority of the votes cast are in favour of the authority operating arrangements which differ from their existing arrangements; and
- (b) after the authority have passed a resolution under section 9KC,

the authority must continue to operate the arrangements that are the subject of that resolution.

(4) Where this regulation applies—

- (a) in relation to a referendum—
  - (i) at which the question asked was in the form set out in paragraph 1 or 2 of Schedule 1; and
  - (ii) in which the majority of the votes cast are in favour of the authority operating arrangements which differ from their existing arrangements; and
- (b) without an election for the return of an elected mayor having taken place in consequence of the referendum,

the authority must take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

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

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(5) Where leave is granted to the presentation of a referendum petition brought under the ground mentioned in regulation 15(1)(d)—

(a) in relation to a referendum—

(i) at which the question asked was in the form set out in paragraph 1 or 2 of Schedule 1;  
and

(ii) in which the majority of the votes cast are in favour of the authority operating arrangements which differ from its existing arrangements; and

(b) after an election for the return of an elected mayor has taken place in consequence of the referendum,

the elected mayor is to continue in office.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 rule 21(1)(ba) inserted by [S.I. 2023/1225 reg. 6\(2\)\(a\)](#)
- Sch. 3 rule 36(3)(e) and word inserted by [S.I. 2023/1225 reg. 6\(2\)\(b\)\(ii\)](#)
- Sch. 3 rule 24 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 11\(2\)\(3\)](#)
- Sch. 3 rule 36(3)(c) word omitted by [S.I. 2023/1225 reg. 6\(2\)\(b\)\(i\)](#)
- Sch. 3 rule 24(1)(b) words inserted by [S.I. 2023/1147 reg. 15\(3\)\(a\)](#)
- Sch. 3 rule 24 table words omitted by [S.I. 2023/1147 reg. 15\(3\)\(b\)\(ii\)](#)
- Sch. 3 rule 24 table words substituted by [S.I. 2023/1147 reg. 15\(3\)\(b\)\(i\)](#)
- Sch. 3 rule 24(2) words substituted by [S.I. 2023/1147 reg. 15\(3\)\(c\)](#)
- Sch. 5 rule 23(1)(ba) inserted by [S.I. 2023/1225 reg. 6\(4\)\(b\)](#)
- Sch. 5 rule 38(5)(e) and word inserted by [S.I. 2023/1225 reg. 6\(4\)\(c\)\(ii\)](#)
- Sch. 5 rule 26 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 11\(2\)\(3\)](#)
- Sch. 5 rule 38(5)(c) word omitted by [S.I. 2023/1225 reg. 6\(4\)\(c\)\(i\)](#)
- Sch. 5 rule 26(1)(b) words inserted by [S.I. 2023/1147 reg. 15\(7\)\(a\)](#)
- Sch. 5 rule 26 table words omitted by [S.I. 2023/1147 reg. 15\(7\)\(b\)\(ii\)](#)
- Sch. 5 rule 26 table words substituted by [S.I. 2023/1147 reg. 15\(7\)\(b\)\(i\)](#)
- Sch. 5 rule 26(2) words substituted by [S.I. 2023/1147 reg. 15\(7\)\(c\)](#)
- Sch. 5 rule 17(10) words substituted by [S.I. 2023/1225 reg. 6\(4\)\(a\)](#)