
STATUTORY INSTRUMENTS

2012 No. 323

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

Determination of referendum petitions

17.—(1) Where an election court certifies, as its determination of a referendum petition, that the result of the referendum declared under regulation 14 is or is not in accordance with the votes cast (as the case may be), any reference (in whatever terms) in the timetable—

- (a) included in the authority's proposals under section 9MA;
- (b) included in their proposals under regulation 17(2) of the Petitions Regulations; or
- (c) prepared in pursuance of any other regulations or an order made under any provision of Part 1A (arrangements with respect to local authority governance in England) of the 2000 Act,

to the date of the result of the referendum is to be construed as a reference to the date on which the election court certifies its determination.

(2) On the substantive hearing of a referendum petition for which leave has been granted where the circumstances are as mentioned in any paragraph of regulation 16 other than paragraph (5), the election court must either—

- (a) dismiss the petition; or
- (b) allow the petition,

and, where the court allows the petition, it must declare the referendum avoided.

(3) Where an election court certifies, as its determination of a referendum petition specifying any of the grounds mentioned in regulation 15(1), that the referendum was avoided, the authority concerned must, not earlier than two months and not later than three months after the date on which the election court has certified that determination, hold another referendum.

(4) Where another referendum is held in the circumstances referred to in paragraph (3), these Regulations apply to the conduct of that referendum as they apply to the conduct of the avoided referendum subject to—

- (a) in regulation 4—
 - (i) the omission of paragraph (1)(a) and (b);
 - (ii) in paragraph (1)(c), the omission of paragraphs (vii) and (viii);
 - (iii) after paragraph (1)(c)(ix), the insertion of—
 - “(x) that another referendum is being held in consequence of the determination of an election court that the referendum last held in the authority's area was avoided.”.

(5) Where the circumstances are as mentioned in regulation 16(5)(a) and (b), the court must—

- (a) dismiss the petition; or
- (b) allow the petition,

and, where the court allows the petition, it must declare the referendum to be tainted, and order that a further referendum be held.

(6) Where the election court makes the order mentioned in paragraph (5), subject to regulation 10(1), the authority must hold the further referendum as soon as practicable after the expiration of the period of five years beginning with the date on which the tainted referendum was held.

(7) If the majority of the votes cast in a further referendum are in favour of the authority continuing to operate a mayor and cabinet executive, the authority must continue to operate those arrangements.

(8) If the majority of the votes cast in a further referendum are in favour of the authority changing its governance arrangements to those which it operated at the time of the tainted referendum, section 9KC(2) applies as if in paragraph (b) for sub-paragraph (i) there were substituted—

“(i) states that in consequence of the rejection in a further referendum of the authority's existing mayor and cabinet executive, the authority have resolved to operate the arrangements they operated at the time of the tainted referendum instead;”.

(9) These Regulations, except where the context otherwise requires, apply (so far as relevant) to the conduct of the further referendum as they apply to the conduct of any other referendum subject to—

- (a) in regulation 3 the omission of paragraphs (a), (b)(ii) and (c)(ii);
- (b) in regulation 4—
 - (i) the omission of paragraph (1)(a) and (b);
 - (ii) in paragraph (1)(c), the omission of paragraphs (vii) and (viii);
 - (iii) after paragraph (1)(c)(ix), the insertion of—
 - “(x) that a further referendum is being held in consequence of the determination of an election court that the referendum last held in the authority's area was tainted by reason of a payment of money or other reward made or promised since the referendum in pursuance of a corrupt or illegal practice;”;
- (c) in Schedule 1 the omission of paragraphs 1, 2, 4 and 6;
- (d) the omission of the first, second, fourth and sixth forms appearing in the Local Government Act Referendums Rules and the Local Government Act Referendums (Combination of Polls) Rules.

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.

[View outstanding changes](#)

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\(4\)\(a\)](#)