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## STATUTORY INSTRUMENTS

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# 2012 No. 323

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

### Interpretation

2.—(1) In these Regulations—

- “the 1972 Act” means the Local Government Act 1972 <sup>F1</sup>;
- “the 1983 Act” means the Representation of the People Act 1983 <sup>F2</sup>;
- “the 1985 Act” means the Representation of the People Act 1985 <sup>F3</sup>;
- “the 2000 Act” means the Local Government Act 2000 <sup>F4</sup>;
- “the 2011 Act” means the Police Reform and Social Responsibility Act 2011 <sup>F5</sup>;
- “the Petitions Regulations” means the Local Authorities (Referendums)(Petitions)(England) Regulations 2011 <sup>F6</sup>;
- “the Representation of the People Regulations” means the Representation of the People (England and Wales) Regulations 2001 <sup>F7</sup>;
- “the Combination of Polls Regulations” means the Representation of the People (Combination of Polls)(England and Wales) Regulations 2004 <sup>F8</sup>;
- “the Local Government Act Referendums Rules” means the rules set out in Schedule 3 to these Regulations;
- “the Local Government Act Referendums (Combination of Polls) Rules” means the rules set out in Schedule 5 to these Regulations;
- “counting observer” means a person appointed by a counting officer under rule 18(2) of the Local Government Act Referendums Rules or rule 18(1) of the Local Government Act Referendums (Combination of Polls) Rules (as the case may be);
- “counting officer” means a person referred to in regulation 9;
- “elected mayor”, in relation to a local authority, means an individual elected as mayor of the authority by local government electors for the authority's area in accordance with provisions made by or under Part 1A of the 2000 Act;
- “European Parliamentary election” and “European Parliamentary general election” must be construed in accordance with section 27(1) of the 1985 Act <sup>F9</sup>;
- “further referendum” means a referendum held in pursuance of an order under regulation 17(5);
- “local government election” must be construed in accordance with section 203(1) of the 1983 Act <sup>F10</sup>;
- “mayoral election” must be construed in accordance with the Local Authorities (Mayoral Elections)(England and Wales) Regulations 2007 <sup>F11</sup>;
- “notification date”—

*Status: Point in time view as at 18/02/2012. This version of this provision has been superseded.*

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- (a) in relation to a referendum, means the date on which the notice required to be published by regulation 4(1) is published;
- (b) in relation to a further referendum, means the date which falls two months before the day on which the poll at the further referendum is held;

“petition organiser”, in relation to a referendum, means a person who is treated for the purpose of regulation 10(4) or (5) (formalities of petition) as the case may be of the Petitions Regulations, as the petition organiser of any valid petition (whether an amalgamated petition, a constituent petition or a post-announcement petition) received by the local authority by or in respect of which a referendum is held;

“police area” must be construed in accordance with section 102 of the 2011 Act;

“police and crime commissioner” means an individual elected as a police and crime commissioner by relevant electors within the police area in accordance with provisions made by or under Chapter 6 of Part 1 of the 2011 Act;

“police and crime commissioner election” must be construed in accordance with provision made by or under section 50 or 51 of the 2011 Act;

“polling observer” means a person appointed by a counting officer under rule 18(1) of the Local Government Act Referendums Rules or rule 19(1) of the Local Government Act Referendums (Combination of Polls) Rules (as the case may be);

“proper officer” must be construed in accordance with section 270(3) of the 1972 Act;

“referendum” means a referendum held under section 9M (cases in which change is subject to approval in a referendum etc) of the 2000 Act, or by virtue of regulations or order made under any provision of Part 1A (arrangements with respect to local authority governance in England) of that Act;

“referendum period”, in relation to a referendum (including a further referendum), means the period beginning with the notification date and ending on the date of the referendum;

“referendum petition” means the petition by which a referendum may be questioned in accordance with regulation 15;

“relevant election or referendum” means one or more of the following—

- (a) another referendum (including a further referendum);
  - (b) a Parliamentary election;
  - (c) a European Parliamentary election;
  - (d) a local government election;
  - (e) a mayoral election;
  - (f) a police and crime commissioner election,
- the poll at which is taken together with the poll at the referendum;

“voting area” means the area in which a referendum is held.

(2) Any reference in the following provisions of these Regulations to a section followed by a number is, unless the context otherwise requires, a reference to the section of the 2000 Act that bears that number.

#### Textual Amendments

- F1** 1972 c.70.
- F2** 1983 c.2.
- F3** 1985 c.50.
- F4** 2000 c.22.

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- F5** 2011 c.13.
- F6** S.I. 2011/2914.
- F7** S.I. 2001/ 341; amended by SI 2001/1700, 2002/1871, 2004/226, 2006/752 and 2006/2910.
- F8** S.I. 2004/294; amended by SI 2006/3278.
- F9** 1985 c.50; the definitions were amended by section 3 of the [European Communities \(Amendment\) Act 1986 \(c.58\)](#) in consequence of the European Assembly being renamed the European Parliament.
- F10** 1983 c.2; the definition of “local government election” was amended by paragraph 39 of Schedule 17 to the [Greater London Authority Act 1999 \(c.29\)](#).
- F11** S.I. 2007/1024.

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**Modifications etc. (not altering text)**

- C1** [Reg. 2](#) applied (with modifications) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, **Sch. 4 para. 1** Table 13 (with reg. 27)

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