
STATUTORY INSTRUMENTS

2012 No. 323

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

Notional referendum expenses

7.—(1) This regulation applies where—

- (a) property, services or facilities is or are provided for the use or benefit of any person either—
 - (i) free of charge; or
 - (ii) 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; and
- (b) the property, 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 him or her or on his or her behalf in respect of that use, they would be (or are) referendum expenses incurred by him or her or on his or her 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)(b).

(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)(b).

(4) Where the services of an employee are made available by his or her 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 his or her employer in respect of the period for which that person'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 his or her own services which that person provides voluntarily in his or her own time and free of charge.