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DRAFT STATUTORY INSTRUMENTS

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**2001 No.**

**The Local Authorities (Conduct of  
Referendums) (England) Regulations 2001**

**General restriction on referendum expenses**

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

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

“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 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 paragraph 1 of Schedule 2 to these Regulations, as read with paragraph 2 of that Schedule;

“referendum expenses limit” means the aggregate of £2,000 and such amount as is found by multiplying by five pence the number of entries in the relevant register;

“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 outcome in relation to the question asked in the referendum; or
- (b) otherwise in connection with promoting or procuring any such outcome; and

“the relevant register”—

- (a) in relation to any referendum as regards which the proposals date is before 1st April 2001, means the register (or registers) of local government electors published under section 13 (publication of registers) of the 1983 Act (as originally enacted)<sup>(1)</sup> which is to be used (or which are to be used) in the area of the local authority by which, or as regards which, the referendum is held, for elections at which the date fixed for the poll falls within the period ending on 15th February 2001 (whether or not the persons to whom those entries relate are entitled to vote in the referendum);
- (b) in relation to any referendum as regards which the proposals date is after 31st March 2001 and before 1st January 2002, means the register (or registers) of local government electors published under section 13 (publication of registers) of the 1983 Act (as originally enacted) which is to be used (or which are to be used) in the area of the local authority by which, or as regards which, the referendum is held, for elections at which the date fixed for the poll falls within the period beginning on 16th February 2001, (whether or not the persons to whom those entries relate are entitled to vote in the referendum); and
- (c) in relation to any referendum as regards which the proposals date is after 31st December 2001, means the register (or registers) of local government electors published under section 13 (publication of registers) of the 1983 Act (as substituted) after the conclusion

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(1) Section 13 is substituted by the Representation of the People Act 2000 (c. 2), Schedule 1, paragraph 6.

of the canvass conducted under section 10 of that Act in the year immediately preceding that in which the referendum is held, which has (or have) effect in the area of the local authority by which, or as regards which, the referendum is held (whether or not the persons to whom those 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 any individual or body shall 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 reasonably ought 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 information is given to the Director of Public Prosecutions that an offence under paragraph (3) has been committed, it is his duty to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

(5) 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 any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) A person who commits an offence under paragraph (3) shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding six months, or both; or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding one year, or both.

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