

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the conduct of referendums held under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 (“the 1990 Act”). These Regulations only apply in relation to England. The referendums will relate to the question of whether a neighbourhood plan, neighbourhood development order or a community right to build order is approved.

Regulation 3 and Schedule 1 prescribe the form of words of the question to be asked in a referendum.

Regulation 4 sets out the further information that must be published in connection with a referendum, not fewer than 28 days before the date it is held. And provides for certain days to be ignored in calculating the referendum period.

Regulation 5 imposes restrictions on the material that may be published by or on behalf of the relevant council and the local planning authority for the area during the period of 28 days before the date the referendum is held.

Regulation 6 imposes a referendum expenses limit on the amount that may be incurred by way of referendum expenses. Schedule 2 makes provision about the matters relevant to referendum expenses. Under regulation 6(3) it is an offence for a campaign organiser in certain circumstances to exceed that limit. Regulation 7 provides for amounts relevant to certain property, services and facilities to be treated as incurred by way of referendum expenses for the purposes of regulation 6.

Regulation 8 provides that a referendum is to be conducted in accordance with the Neighbourhood Planning Referendums Rules (set out in Schedule 3), where the poll is not taken together with the poll at another election or referendum. Other electoral legislation is applied, with modifications, to facilitate the conduct of referendums (set out in Tables 1 to 6 of Schedule 4).

Regulation 9 specifies who is to be the counting officer at the referendum and makes provision in relation to the counting officer’s duties.

Regulation 10 allows a relevant council, where the referendum area comprises any part of the area of two or more relevant councils, to appoint a chief counting officer in relation to the referendum, who may give directions to a counting officer.

Regulation 11 makes provision for the combination of polls. Where another election or referendum is to be held within 28 days of the date proposed for the referendum they may be combined if the returning officers and counting officer think fit.

Regulation 12 makes provision for the conduct of referendums where combined with polls at elections or other referendums. The rules for conducting such referendums are the Neighbourhood Planning Referendums (Combination of Polls) Rules (set out in Schedule 5). Other electoral legislation is applied to facilitate the conduct of such referendums (set out in Tables 1 to 6 of Schedule 4).

Regulation 13 makes provision about the conduct of elections (or other referendums) when they are combined with the poll at the referendum. Other electoral legislation is applied to facilitate the conduct of such referendums (set out in Tables 2, 3 and 6 and Parts 2 and 3 of Schedule 4).

Regulation 14 exempts advertisements relating specifically to the referendum from regulations under the Town and Country Planning Act 1990 (c. 8) controlling the display of advertisements.

Regulation 15 provides that premises used in relation to the referendum for public meetings or the taking of polls are to be treated as unoccupied for rating purposes.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Neighbourhood Planning (Referendums) Regulations 2012 No. 2031*

Regulation 16 makes provision for co-operation between authorities where the relevant council holding the referendum is not the local planning authority.

An impact assessment has been prepared in relation to these Regulations. The assessment has been placed in the Library of each House of Parliament and can be found on the Department for Communities and Local Government website (<http://www.communities.gov.uk>).