

SCHEDULE 4

Application, with Modification, of other Acts and Subordinate Legislation

PART 2

The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004⁽¹⁾

1. The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004⁽¹⁾ have effect subject to the following modifications.

2. In regulation 2 (interpretation)—

- (a) in paragraph (1), in the definition of “referendum”, after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” insert “or a referendum held under Schedule 4B to the Town and Country Planning Act 1990”;
- (b) in paragraph (2) after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be)”.

3. For regulation 4(8) substitute—

“(8) Subject to paragraph (9), where the polls at two or more referendums or polls at an election and referendum are taken together under section 15(3AA) of the 1985 Act—

- (a) the returning officer for each election or referendum shall decide which returning officer shall discharge those functions of the other (or others) which are specified in regulation 5, but the returning officer at a European Parliamentary election shall not discharge those functions; and
- (b) the only polling stations which shall be used at each election or referendum are the polling stations used at the election or referendum for which the returning officer who discharges the functions referred to in sub-paragraph (a) above acts as returning officer.”.

4.—(1) Regulation 5 (functions at combined polls) is amended as follows.

(2) In paragraph (1), after sub-paragraph (e) insert—

“(f) at a referendum held under Schedule 4B to the Town and Country Planning Act 1990, by those rules in regulations made under paragraph 16 of Schedule 4B to that Act which correspond to the rules specified in paragraph (2);”.

(3) In paragraph (3), after sub-paragraph (b) insert—

“(c) that regulation and that Part as applied by regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990.”.

5.—(1) In regulation 6(3) and (4) (modification of provisions about expenses in the 1983 Act) for “15(1) or (2)” substitute “15(1), (2) or (3AA)”.

(2) In regulation 6(5)—

- (a) omit “and” at the end of sub-paragraph (a), and
- (b) at the end of sub-paragraph (a) insert—

(1) [S.I. 2004/294](#).

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*

“(ab) the provisions in regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 which correspond to that provision; and”.

6. In regulation 8 (modification of parliamentary elections rules)—

- (a) omit “or” at the end of sub-paragraph (a); and
- (b) after sub-paragraph (b) insert—

“or

- (c) the poll at a referendum held under Schedule 4B to the Town and Country Planning Act 1990.”.

7. In Schedule 2 (modifications to parliamentary elections rules)—

- (a) in paragraph 2, in the definition of “referendum” after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” insert “or a referendum held under Schedule 4B to the Town and Country Planning Act 1990”;
- (b) in paragraph 3(a) after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be)”;
- (c) in paragraph 22, in substituted sub-paragraph (1AC)(b), after “the Local Government Act 2000” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.