
STATUTORY INSTRUMENTS

2007 No. 2089

**The Local Authorities (Conduct of
Referendums) (England) Regulations 2007**

Combination of polls: general

10.—(1) Where the poll at a referendum would be taken on a day that falls within the period—

- (a) beginning 28 days before the day on which the poll is to be taken at an election of a description mentioned in paragraph (2), and
- (b) ending 28 days after the day on which the poll is to be taken at any such election,

the poll at the referendum must, subject to paragraphs (3) and (5), be taken on the day on which the poll is to be taken at the election; and the polls must be taken together.

(2) The descriptions of election mentioned in this paragraph are—

- (a) an ordinary election of councillors for a county electoral division or a district or London borough ward (as the case may be) of the local authority by which or as regards which the referendum is to be held;
- (b) an ordinary election of councillors for a county electoral division or a district or London borough ward (as the case may be) of any other local authority, where that division or ward is wholly or partly within the area of the local authority by which or as regards which the referendum is to be held;
- (c) a parliamentary general election;
- (d) an election to fill a vacancy in a parliamentary constituency that is wholly or partly within the area of the local authority by which or as regards which the referendum is to be held;
- (e) a European Parliamentary general election;
- (f) a European Parliamentary election in respect of an electoral region within the meaning of section 1 of the European Parliamentary Elections Act 2002⁽¹⁾ in which the area of the local authority by which or as regards which the referendum is to be held falls;
- (g) an ordinary election within the meaning of Part 1 (the Greater London Authority) of the Greater London Authority Act 1999,⁽²⁾ where the local authority by which or as regards which the referendum is to be held is a London borough;
- (h) an election (other than an ordinary election) of the Mayor of London under section 16(2) (filling a vacancy in the office of Mayor) of the Greater London Authority Act 1999, where the local authority by which or as regards which the referendum is to be held is a London borough.

(3) Where the poll at a referendum would be taken together with the poll at an election of a description mentioned in paragraph (2)(c), (d), (f) or (h), paragraph (1) does not apply where notice of the date of the referendum is given under regulation 4 before the date on which notice is given of the date of the election, and the date of the referendum is not the same as that of the election.

(1) 2002 c. 24; the present section 1 was substituted by section 1 of the European Parliament (Representation) Act 2003 (c. 7) and amended by S.I. 2004/366 and 2004/1245.

(2) 1999 c. 29.

(4) In a case to which paragraph (3) applies, the poll at the referendum is to be taken on the day of which notice has been given under regulation 4.

(5) Nothing in paragraph (1) requires the poll at a referendum to be taken together with the poll at an election where the day on which those polls would be taken falls within the period—

- (a) beginning five months after the date that, in relation to the referendum, is the petition date or the direction date (as the case may be), and
- (b) ending six months after the petition date or direction date (as the case may be).

(6) In paragraph (5)—

“petition date” must be construed in accordance with Part 2 (Petitions and Referendums) of the Petitions and Directions Regulations⁽³⁾;

“direction date” means the date on which the Secretary of State gives a direction under regulation 18 (circumstances in which Secretary of State may require referendum) of those Regulations.

(7) The poll at a referendum may be taken together with the poll at an election under section 89 (filling of casual vacancies in the case of councillors) of the Local Government Act 1972⁽⁴⁾ or under section 10 (filling a vacancy in an Assembly constituency) of the Greater London Authority Act 1999—

- (a) where the referendum is to be held in compliance with a direction of the Secretary of State, if he so determines;
- (b) in any other case, if the authority by which the referendum is to be held so determines.

(8) Notice of a determination under paragraph (7) must be given in writing—

- (a) where the determination is made by the Secretary of State, to the authority or authorities (as the case may be) by which the election and the referendum concerned are to be held;
- (b) where the determination is made by an authority, to the authority (other than themselves) by which the election concerned is to be held.

(9) Subject to paragraph (10), where an authority (“the first authority”) have given notice under regulation 4(1) of the date on which a referendum will be held in their area, no other authority—

- (a) whose area includes that of the first authority, or
- (b) whose area is part of that of the council of the same county as that of the first authority,

may hold a referendum in their area within the period beginning 28 days before the date of the first authority’s referendum and ending 28 days after that date unless the polls at the referendums are combined.

(10) Where the date on which a referendum is to be held in a county is the same as that on which a referendum is to be held in any district within that county, the polls must be taken together.

⁽³⁾ [S.I. 2000/2852](#); amended by [S.I. 2001/760](#) and [2001/1310](#).

⁽⁴⁾ [1972 c.70](#); section 89 was amended by paragraph 13 of Schedule 8 to the Representation of the People Act 1983 (c. 2), section 19 of the Representation of the People Act 1985 (c. 50) and Schedule 17 to the Local Government Act 1985 (c. 51).