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STATUTORY INSTRUMENTS

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**2012 No. 2031**

**The Neighbourhood Planning (Referendums) Regulations 2012**

**[<sup>F1</sup>Business referendums**

17.—(1) This regulation applies where a business referendum is required to be held.

(2) The business referendum must be held on the same date as the corresponding residential referendum.

(3) Schedule 6 is to have effect.

(4) The poll at the business referendum is to be conducted in accordance with the Neighbourhood Planning Business Referendums Rules as set out in Schedule 7.

(5) The provisions mentioned in the Tables in Schedule 8 have effect in relation to the business referendum subject to—

(a) unless the context otherwise requires the general modifications specified in paragraph (6), and

(b) the modifications specified in those Tables.

(6) The general modifications are—

(a) a reference to an election must be construed as a reference to the business referendum;

(b) a reference to a returning officer must be construed as a reference to the counting officer;

(c) a reference to a register or a register of parliamentary or local government electors must be construed as a reference to the business voting register;

(d) a reference to a constituency, an electoral division or a ward, or a reference to a voting area must be construed as a reference to the referendum area;

(e) a reference to any local authority by or in respect of which an election is held must be construed as a reference to the relevant council;

(f) a reference to voting for, or a vote for, a candidate must be construed as a reference to voting for, or a vote for, an answer;

(g) a reference to promoting or procuring the election of a candidate, or furthering a person's candidature, must be construed as a reference to promoting or procuring a particular result in the business referendum;

(h) a reference to the return of a person must be construed as a reference to a particular result in the business referendum;

(i) a reference to an elector or a proxy must be construed as a reference to a business vote holder or a named voter;

(j) where anything is required to be done in the presence of election, polling, counting or other agents, the reference to the presence of agents is ignored;

(k) a reference to anything having been prescribed must be construed as a reference to its being provided for by a provision of subordinate legislation applied by these Regulations;

(l) a form which is required to be used may be used with such variations as the circumstances require;

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Neighbourhood Planning (Referendums) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (m) a reference to the registration officer, in relation to a district, London borough, the Common Council of the City of London or the Isles of Scilly, is a reference to the business registration officer;
  - (n) any reference to an enactment or instrument made under an enactment must be construed as a reference to that enactment or instrument as applied by these Regulations;
  - (o) so much of any provision as applies to an election petition is ignored;
  - (p) so much of any provision as applies only in Scotland, Wales or Northern Ireland is ignored.
- (7) In this regulation—
- “business voting register” has the same meaning as in Schedule 6;
  - “corresponding residential referendum” has the same meaning as in Schedule 7.]

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**Textual Amendments**

- F1** Reg. 17 inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, **7(1)**

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 rule 22(1)(ba) inserted by [S.I. 2023/1225 reg. 9\(2\)\(a\)](#)
- Sch. 3 rule 37(3)(e) and word inserted by [S.I. 2023/1225 reg. 9\(2\)\(b\)\(ii\)](#)
- Sch. 3 rule 25 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 28\(2\)\(3\)](#)
- Sch. 3 rule 37(3)(c) word omitted by [S.I. 2023/1225 reg. 9\(2\)\(b\)\(i\)](#)
- Sch. 3 rule 25(1)(b) words inserted by [S.I. 2023/1147 reg. 18\(3\)\(a\)](#)
- Sch. 3 rule 25 table words omitted by [S.I. 2023/1147 reg. 18\(3\)\(b\)\(ii\)](#)
- Sch. 3 rule 25 table words substituted by [S.I. 2023/1147 reg. 18\(3\)\(b\)\(i\)](#)
- Sch. 3 rule 25(2) words substituted by [S.I. 2023/1147 reg. 18\(3\)\(c\)](#)
- Sch. 5 rule 22(1)(ba) inserted by [S.I. 2023/1225 reg. 9\(4\)\(b\)](#)
- Sch. 5 rule 37(5)(e) and word inserted by [S.I. 2023/1225 reg. 9\(4\)\(c\)\(ii\)](#)
- Sch. 5 rule 25 modified (temp.) by [S.I. 2023/1147 Sch. 2 para. 28\(2\)\(3\)](#)
- Sch. 5 rule 37(5)(c) word omitted by [S.I. 2023/1225 reg. 9\(4\)\(c\)\(i\)](#)
- Sch. 5 rule 25(1)(b) words inserted by [S.I. 2023/1147 reg. 18\(7\)\(a\)](#)
- Sch. 5 rule 25 table words omitted by [S.I. 2023/1147 reg. 18\(7\)\(b\)\(ii\)](#)
- Sch. 5 rule 25 table words substituted by [S.I. 2023/1147 reg. 18\(7\)\(b\)\(i\)](#)
- Sch. 5 rule 25(2) words substituted by [S.I. 2023/1147 reg. 18\(7\)\(c\)](#)
- Sch. 5 rule 18(10) words substituted by [S.I. 2023/1225 reg. 9\(4\)\(a\)](#)
- Sch. 7 rule 27(3A) inserted by [S.I. 2023/1225 reg. 9\(5\)\(b\)\(ii\)](#)
- Sch. 7 rule 27A-27D inserted by [S.I. 2023/1225 reg. 9\(5\)\(c\)](#)
- Sch. 7 rule 30A-30E inserted by [S.I. 2023/1225 reg. 9\(5\)\(e\)](#)
- Sch. 7 rule 41(1)(g) inserted by [S.I. 2023/1225 reg. 9\(5\)\(f\)](#)
- Sch. 7 rule 49(1)(ba) inserted by [S.I. 2023/1225 reg. 9\(5\)\(h\)](#)
- Sch. 7 rule 64(3)(e) and word inserted by [S.I. 2023/1225 reg. 9\(5\)\(i\)\(ii\)](#)
- Sch. 7 rule 27(5) substituted by [S.I. 2023/1225 reg. 9\(5\)\(b\)\(iv\)](#)
- Sch. 7 rule 64(3)(c) word omitted by [S.I. 2023/1225 reg. 9\(5\)\(i\)\(i\)](#)
- Sch. 7 rule 2(1) words inserted by [S.I. 2023/1225 reg. 9\(5\)\(a\)](#)
- Sch. 7 rule 27(3) words inserted by [S.I. 2023/1225 reg. 9\(5\)\(b\)\(i\)\(bb\)](#)
- Sch. 7 rule 27(4) words inserted by [S.I. 2023/1225 reg. 9\(5\)\(b\)\(iii\)](#)
- Sch. 7 rule 42(1)(a) words inserted by [S.I. 2023/1225 reg. 9\(5\)\(g\)](#)
- Sch. 7 rule 27(3) words substituted by [S.I. 2023/1225 reg. 9\(5\)\(b\)\(i\)\(aa\)](#)
- Sch. 7 rule 30 words substituted by [S.I. 2023/1225 reg. 9\(5\)\(d\)](#)