

[<sup>F1</sup>SCHEDULE 8

Regulation 17

Application, with Modification, of other Acts and  
Subordinate Legislation in respect of Business Referendums

**Textual Amendments**

**F1** Sch. 8 inserted (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, 7, **Sch. 3**

**Table 1**

## Representation of the People Act 1983

<i>Provision</i>	<i>Modification</i>
Section 35(4) (appointments by returning officers)	
Section 36(4) and (6) (returning officer's expenditure at local elections)	In subsection (4)—  (a) for the words from “by a returning officer” to “London borough” substitute “by the counting officer for a relevant council in relation to the holding of a business referendum”; and  (b) for the words “the council for that area” substitute “that council”.
	In subsection (6) for the words from the beginning to “councillor, the council” substitute “Before a poll is taken at such a business referendum as is referred to in subsection (4), the authority”.
	The first reference in subsection (6) to the council who appointed the returning officer must be construed as a reference to the council who appointed the returning officer, but other references to the returning officer must be construed as references to the counting officer.
Section 47 (loan of equipment for local elections)	
Section 49(5)(except (5)(b)(iii)) <sup>F2</sup> ... (effect of registers)	In subsection (5) for the words from “parliamentary or local government elector” to “list of proxies” substitute “named voter”, and omit “prevent the rejection of a vote on a scrutiny, or”.
	In subsection (5)(b)(iv) for the words “a local government elector” substitute “named voter”.
	<b>F3</b>

**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

<i>Provision</i>	<i>Modification</i>
	. . .
Section 52(1) to (4) (discharge of registration duties)	A reference to functions under the 1983 Act is construed as a reference to functions under these Regulations.
Section 54(1), (3) and (4) (payment of expenses of registration)	A reference to functions under the 1983 Act [F4 or the Electoral Registration and Administration Act 2013] is construed as a reference to functions under these Regulations.
Section 60 (personation)	In subsection (2) for the words “parliamentary or local government election” substitute “business referendum”.
	In subsection (2)(a) for the words “whether as an elector or as proxy” substitute “as a named voter”.
	In subsection (2)(b), in both cases where the word appears, for the word “proxy” substitute “a named voter”.
Section 61(1) and (3) to (7) (other voting offences)	For subsection (1) substitute— “(1) A person (“P”) shall be guilty of an offence if— (a) P applies to vote as named voter (in person or by post) when subject to a legal incapacity, or (b) P nominates a person to be a named voter knowing that that person is subject to a legal incapacity to vote at the business referendum.”
	For subsection (3) and (4) substitute— “(3) A person (“P”) shall be guilty of an offence if— (a) P votes as a named voter for the same business vote holder more than once in the same business referendum, or (b) P votes in person as named voter for a business vote holder at a business referendum at which he is entitled to vote by post as named voter for that business vote holder. (4) A person (“P”) shall also be guilty of an offence if he votes as named voter for more than two business vote holders.”
	For subsection (6A) substitute— “(6A) Rules”.

**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

<i>Provision</i>	<i>Modification</i>
Section 62A (except (4) and (6)) (offences relating to applications for postal and proxy votes)	In subsection (1)(a) after “election” insert “or business referendum”.
	For subsection (2) substitute— “(2) These are the acts— (a) completing a voting choices form as some other person (whether that other person is living or dead or is a fictitious person); (b) otherwise making a false statement in, or in connection with, a registration response form; (c) inducing the business registration officer or counting officer to send a postal ballot paper or any communication relating to a postal vote to an address which has not been agreed to by the named voter; (d) causing any communication relating to a postal vote or containing a postal ballot paper not to be delivered to the intended recipient”.
Section 63 (breach of official duty)	In subsection (3) for the words “parliamentary or local government elections or the registration of parliamentary or local government electors” substitute “business referendums or the registration of business vote holders for the purposes of a business referendum”.
	In subsection (4)(a) after the words “for an election” insert “or a business referendum”.
Section 65 (tampering with ballot papers, etc)	In subsection (1)— (a) after “election”, in the first place it occurs, insert “or business referendum”, and (b) omit paragraph (a).
Section 66 (except (7) and (8)) (requirement of secrecy)	For subsections (1) to (4) substitute— (1) The following persons— (a) every counting officer and every presiding officer or clerk attending at a polling station, (b) every polling observer so attending,

**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

<i>Provision</i>	<i>Modification</i>
	<p>(c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,</p> <p>shall maintain and aid in the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—</p> <p>(i) the name of any named voter who has or has not applied for a ballot paper or voted at a polling station;</p> <p>(ii) the number on the business voting register of any business vote holder who has or has not applied for a ballot paper or voted at a polling station; or</p> <p>(iii) the official mark.</p>
	<p>(2) Every person so attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—</p> <p>(a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;</p> <p>(b) communicate any information obtained at the counting of the votes as to the answer for which any vote is given on any particular ballot paper.</p> <p>(3) No person shall—</p> <p>(a) interfere with or attempt to interfere with a named voter when recording a vote;</p> <p>(b) otherwise obtain or attempt to obtain in a polling station information as to the answer for which a named voter in that station is about to vote or has voted;</p> <p>(c) communicate at any time to any person any information obtained in a polling station as to the answer for which a named voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a named voter at that station;</p>

**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

<i>Provision</i>	<i>Modification</i>
	<p>(d) directly or indirectly induce a named voter to display their ballot paper after they have marked it so as to make known to any person the answer for which they have or have not voted.</p> <p>(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for named voters voting by post must maintain and aid in maintaining the secrecy of the vote and shall not—</p> <p>(a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or</p> <p>(b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person;</p> <p>(c) except for some purpose authorised by law, attempt to ascertain at he proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or</p> <p>(d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the answer for which any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.</p>
Section 66A (prohibition of exit polls)	<p>In subsection (2) omit the “and” preceding paragraph (b) and after that paragraph insert—</p> <p>“; and</p> <p>(c) a business referendum.”.</p>
Section 92 (broadcasting from outside the United Kingdom)	<p>In subsection (1) after “local government election” insert “or business referendum”.</p>
Section 94 (imitation poll cards)	<p>In subsection (1) after “local government election” insert “or business referendum”.</p>
	<p>In subsection (2)—</p> <p>(a) after “local government elections” insert “or business referendum”,</p>

**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

<i>Provision</i>	<i>Modification</i>
	<p>(b) after “section 42 above” insert “, or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990,”, and</p> <p>(c) after “the rules”, insert “or, as the case may be, the regulations”.</p>
Section 96 (schools and rooms for local election meetings)	<p>For subsections (1) to (4) substitute—</p> <p>“(1) Subject to the provisions of this section, any person is entitled, for the purpose of holding a public meeting to promote a particular result in a business referendum, to use free of charge at reasonable times during the campaign period any meeting room to which this section applies.</p> <p>(2) In subsection (1), “the campaign period” means the period between the last day on which notice of the business referendum may be published in accordance with these Regulations and the day before the date of the business referendum.</p> <p>(3) This section applies to any meeting room situated in the area of a relevant council, the expense of maintaining which is payable by a local authority.</p> <p>(4) Subsections (4), (5) and (7) of section 95 shall apply for the purposes of this section as it applies to that section, except that a reference to a candidate is construed as a reference to a person.</p> <p>(5) The lists maintained by a county council, district council or London borough council of meeting rooms which candidates at a parliamentary election in any constituency are entitled to use shall have effect for the purposes of the business referendum; and any person shall, before the business referendum, be entitled at all reasonable hours to inspect those lists or a copy of them.”</p>
Section 97 (disturbances at election meetings)	<p>For subsection (2) substitute—</p> <p>“(2) This section applies to a meeting in connection with a business referendum held during the campaign period.</p> <p>(2A) In subsection (2) “the campaign period” means the period between the last day on which notice of the business referendum may be published and the day before the date of the business referendum.”.</p>
Section 100(1) and (2) (illegal canvassing by police officers)	<p>In subsection (1) for the words from “from giving his vote” to the end substitute “from giving their vote in a referendum under</p>

**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

<i>Provision</i>	<i>Modification</i>
	Schedule 4B to the Town and Country Planning Act 1990 in relation to a referendum area wholly or partly within the police area”.
Section 109 (payments for the exhibition of election notices)	
Section 110 (details to appear on election publications)	
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Section 113 (bribery)	
Section 114 (treating)	
Section 115 (undue influence)	
Section 116 (rights of creditors)	Omit paragraphs (b) and (c).
Section 118 (interpretation of Part 2)	
Section 119 (computation of time for purposes of Part 2)	In subsection (1)(b) after “disregarded” insert- “; and  (c) in computing any period referred to in section 96(2) or 97(2A), as applied for the purposes of a business referendum under Schedule 4B to the Town and Country Planning Act 1990, any of the days so mentioned shall be disregarded.”
Section 167 (application for relief)	In subsection (1) omit the words “or an election court”.
Section 168 (prosecutions for corrupt practices)	
Section 169 (prosecutions for illegal practices)	
Section 170 (conviction of illegal practices on charge of corrupt practice etc)	
Section 173 (incapacities)	In subsection (1)(a)(i) after “Great Britain” insert “or being named to vote or voting as a named voter in a business referendum”.
Section 175 (illegal payments etc)	Omit subsection (2).
Section 176 (time limit for prosecutions)	
Section 177 (summary trial)	For “the election under the local government Act” substitute “the business referendum”;  In subsection (1)(a) for the words from “in the county” to “adjoins” substitute “for the

**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

<i>Provision</i>	<i>Modification</i>
	referendum area in which the offence is alleged to have been committed”.
Section 178 (prosecution of offences committed outside the United Kingdom)	
Section 179 (offences by association)	
Section 181 (Director of Public Prosecutions)	
Section 185 (interpretation of Part 3)	
Section 199B (translations of certain documents)	The reference to the requirements of a sample copy is construed as a reference to the requirements set out in the Neighbourhood Planning Business Referendums Rules.
Section 200(1A) and (2) (public notices, and declarations)	
Section 202 (interpretation)	Before subsection (2) insert—  (1A) Any term used in this Act which is defined in the Neighbourhood Planning (Referendums) Regulations 2012 shall have the meaning given to it by those Regulations.

#### Textual Amendments

- F2** Words in Sch. 8 Table 1 omitted (10.6.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(4), **33(1)(a)**; S.I. 2014/414, art. 5(m)
- F3** Words in Sch. 8 Table 1 omitted (10.6.2014) by virtue of [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(4), **33(1)(b)**; S.I. 2014/414, art. 5(m)
- F4** Words in Sch. 8 Table 1 inserted (10.6.2014) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014 \(S.I. 2014/333\)](#), regs. 1(5), **33(2)**; S.I. 2014/414, art. 5(m)

**Table 2**

#### Representation of the People Act 2000

<i>Provision</i>	<i>Modification</i>
Section 10 (pilot schemes for local elections in England and Wales)	In subsection (2)—  (a) after “Representation of the People Acts”, insert “or the Town and Country Planning Act 1990”, and  (b) in paragraph (c) for “candidates” substitute “any campaign organiser within the meaning of regulation 6”.
	In subsection (3)—



**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

<i>Provision</i>	<i>Modification</i>
	(a) in paragraph (b) for “candidates” substitute “campaign organisers”, and  (b) for “section 75(1) of the 1983 Act (restriction on third party election expenditure)” substitute “regulation 6”.
	Omit subsection (4).
	At the end of subsection (7)(a) insert “or the Town and Country Planning Act 1990”.

**Table 3**

Political Parties, Elections and Referendums Act 2000

<i>Provision</i>	<i>Modification</i>
Section 6A (attendance of representatives of Commission at elections etc)	After subsection (1)(b) insert—  “(c) proceedings relating to a business referendum under Schedule 4B to the Town and Country Planning Act 1990 which are the responsibility of the counting officer”.
Section 6B (observation of working practices by representatives of Commission)	After subsection (2) insert—  “(2A) A representative of the Commission may also observe the working practices of a counting officer at a business referendum under Schedule 4B to the Town and Country Planning Act 1990, and any person acting under the counting officer’s direction.”
Section 6C (accredited observers: individuals)	After subsection (1) after “applies” insert “or which is held under Schedule 4B to the Town and Country Planning Act 1990
Section 6D (accredited observers: organisations)	After subsection (1) after “applies” insert “or which is held under Schedule 4B to the Town and Country Planning Act 1990”.
Section 6E (attendance and conduct of observers)	“After subsection (4)(c) insert—  (ca) in the case of any other proceedings at a business referendum under Schedule 4B to the Town and Country Planning Act 1990, the counting officer;”.

**Table 4**

Electoral Administration Act 2006

**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

<i>Provision</i>	<i>Modification</i>
Section 42 (access to other election documents)	In subsection (1)(b) for “election documents” substitute “business referendum documents”.
Section 43 (access to other election documents: contravention of regulations)	In subsection (1)(a) after “section 42”, insert “as applied by the Neighbourhood Planning (Referendums) Regulations 2012.
Section 44 (access to other election documents: supplementary)	<p>In subsection (3)(b) for the words “such registration officer as the Secretary of State by order appoints”, insert “the business registration officer of the relevant council or where the referendum area comprises the areas of two or more councils, the returning officer of the relevant council in whose portion of the referendum area the greater or greatest (as the case may be) number of local government electors are registered”.</p> <p>In subsection (5) for the words “election documents” to “Northern Ireland)” substitute “business referendum documents are such documents relating to a business referendum”.</p>
Section 46 (returning officers: correction of procedural errors)	Omit subsection (6).]

**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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. 8 Table 1 word inserted by S.I. 2023/1225 reg. 9(6)(a)(i)
- Sch. 8 Table 1 word substituted by S.I. 2023/1225 reg. 9(6)(a)(ii)(aa)
- Sch. 8 Table 1 words inserted by S.I. 2023/1141 reg. 7(3)(a)
- Sch. 8 Table 1 words inserted by S.I. 2023/1225 reg. 9(6)(a)(ii)(bb)
- Sch. 8 Table 1 words inserted by S.I. 2023/1225 reg. 9(6)(a)(ii)(cc)
- Sch. 8 Table 1 words inserted by S.I. 2023/1225 reg. 9(6)(a)(ii)(dd)
- Sch. 8 Table 1 words inserted by S.I. 2023/1225 reg. 9(6)(b)
- Sch. 8 Table 1 words substituted by S.I. 2023/1141 reg. 7(3)(b)

**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)