

SCHEDULE 4

Application, with Modification, of other Acts and Subordinate Legislation

PART 3

Other secondary legislation about combination of polls

8.—(1) The following enactments have effect subject to the modifications mentioned in regulation 13(2)(a) and (3) and the additional modifications in paragraphs 9 to 39—

- (a) the European Parliamentary Elections Regulations 2004⁽¹⁾;
- (b) the Local Elections (Principal Areas) (England and Wales) Rules 2006⁽²⁾;
- (c) the Local Elections (Parishes and Communities) (England and Wales) Rules 2006⁽³⁾;
- (d) the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007⁽⁴⁾;
- (e) the Greater London Authority Elections Rules 2007⁽⁵⁾;
- (f) the Local Authorities (Conduct of Referendums) (England) Regulations 2012⁽⁶⁾;
- (g) the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012⁽⁷⁾;
- (h) the Police and Crime Commissioner Elections Order 2012⁽⁸⁾.

The European Parliamentary Elections Regulations 2004

9. The European Parliamentary Elections Regulations 2004 have effect with the additional modifications set out in paragraphs 10 to 14.

10. In regulation 2⁽⁹⁾ (interpretation), in the definition of “referendum” after “the Local Authorities (Conduct of Referendums) (England) Regulations 2007” insert “or a referendum held under Schedule 4B to the Town and Country Planning Act 1990”.

11. In regulation 11 (combination of polls)—

- (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 (neighbourhood planning referendums),”.

12. In paragraph 23(4) and (5) of Schedule 1 (European Parliamentary Elections Rules)—

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

(1) [S.I. 2004/293](#).
(2) [S.I. 2006/3304](#).
(3) [S.I. 2006/3305](#).
(4) [S.I. 2007/1024](#).
(5) [S.I. 2007/3541](#).
(6) [S.I. 2012/323](#).
(7) [S.I. 2012/444](#).
(8) [S.I. 2012/1917](#).
(9) Regulation 2 was amended by [S.I. 2009/186](#).

Status: This is the original version (as it was originally made).

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

13. In Schedule 2 (absent voting)—

- (a) in paragraph 17(9), after “Local Government Act 2000,” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums)”;
- (b) in paragraph 40(1), after sub-paragraph (d), in the definition of “relevant election or referendum” insert “(e) referendum conducted in accordance with regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”;
- (c) omit paragraph 40(2)(a);
- (d) in paragraph 40(2)(b), (c), and (d) after “that regulation” in each place insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be)”;
- (e) in paragraph 41—
 - (i) omit “or” and the end of paragraph (a); and
 - (ii) after paragraph (b) insert—
 - “or
 - (c) the poll at a referendum held under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums),”.

14. In Schedule 3 (modification of European Parliamentary elections rules for combined polls), in paragraph 2(2)(a) after the Local Authorities (Conduct of Referendums) (England) Regulations 2007 insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be)”.

The Local Elections (Principal Areas) (England and Wales) Rules 2006

15. The Local Elections (Principal Areas) (England and Wales) Rules 2006 have effect with the additional modifications set out in paragraphs 16 and 17.

16. In rule 2 (interpretation)—

- (a) in paragraph (1) in the definition of “counting observer”, “counting officer”, “polling observer” and “referendum” after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” in each place insert “or the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be)”;
- (b) omit paragraph (3)(a).

17. In Schedule 3 (rules for conduct of an election of councillors of a principal area where the poll is taken together with the poll at a relevant election or referendum), in rule 45(5)(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”.

The Local Elections (Parishes and Communities) (England and Wales) Rules 2006

18. The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 have effect with the additional modifications set out in paragraphs 19 and 20.

19. In rule 2(1) (interpretation)—

- (a) in the definition of “counting officer” 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)”;
- (b) in the definition of “referendum” after the Local Authorities (Conduct of Referendums) (England) Regulations 2001” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

20. In Schedule 3 (rules for conduct of an election of councillors of a parish or community where the poll is taken together with the poll at a relevant election or referendum), in rule 45(4)(b) after “Local Government Act 2000,” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007

21. The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 have effect with the additional modifications set out in paragraphs 22 and 23.

22. In regulation 2 (interpretation), in the definition of “the Referendums Regulations” after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” insert “or the Neighbourhood Planning (Referendums) Regulations 2012”.

23. In Schedule 3 (mayoral election (combination of polls) rules), in paragraph 47(4) after “the Local Government Act 2000” insert “or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

The Greater London Authority Elections Rules 2007

24. The Greater London Authority Elections Rules 2007 have effect with the additional modifications set out in paragraphs 25 to 30.

25. In rule 2(1) (interpretation) in the definition of “referendum” after “the Referendum Regulations” insert “or regulations made under paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

26. In rule 5(1) (rules for Authority elections combined with a relevant election or referendum)—

- (a) omit “or” and 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 (neighbourhood planning referendums).”.

27. In Schedule 5 (the constituency members election rules)—

- (a) in paragraph 2(1)—
 - (i) in the definition of “counting observer”, “counting officer” and “polling observer” after “the Local Authorities (Conduct of Referendums) (England) Regulations 2001” in each place insert “or the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be)”;
 - (ii) in the definition of “referendum” after “the Referendum Regulations” insert “or the Neighbourhood Planning (Referendums) Regulations 2012”;
 - (iii) in paragraph (d) of the definition of “relevant election or referendum” after “the Local Government Act 2000” insert “or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.
- (b) omit paragraph 2(2)(a); and

- (c) in paragraph 49(2)(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”.

28. In Schedule 6 (the London members election rules)—

- (a) in paragraph 2(1)—
 - (i) in the definition of “counting observer”, “counting officer” and “polling observer” after “the Referendum Regulations” in each place insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be);
 - (ii) in the definition of “referendum” after “the Referendum Regulations” insert “or the Neighbourhood Planning (Referendums) Regulations 2012”;
 - (iii) in paragraph (d) of the definition of “relevant election or referendum” after “the Local Government Act 2000” insert “or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.
- (b) omit paragraph 2(2)(a); and
- (c) in paragraph 50(2)(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”.

29. In Schedule 7 (the Mayoral election rules)—

- (a) in paragraph 2(1)—
 - (i) in the definition of “counting observer”, “counting officer” and “polling observer” after “the Referendum Regulations” in each place insert “or regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012 (as the case may be);
 - (ii) in the definition of “referendum” after “the Referendum Regulations” insert “or the Neighbourhood Planning (Referendums) Regulations 2012”;
 - (iii) in paragraph (d) of the definition of “relevant election or referendum” after “the Local Government Act 2000” insert “or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.
- (b) omit paragraph 2(2)(a); and
- (c) in paragraph 49(2)(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”.

30. In Schedule 8 (combined manual count rules) in paragraph 2(1) in paragraph (d) of the definition of “relevant election or referendum” after “the Local Government Act 2000” insert “or paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990”.

The Local Authorities (Conduct of Referendums) (England) Regulations 2012

31. The Local Authorities (Conduct of Referendums) (England) Regulations 2012 have effect with the additional modifications set out in paragraphs 32 to 34.

32. In regulation 2(1) (interpretation), in the definition of “relevant election or referendum” after sub-paragraph (f) insert—

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

33. In regulation 10 (combination of polls: general) after paragraph (8) add—

- “(9) Where the poll at the referendum is to be taken on the same day as the poll is to be taken at a referendum held under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums), the polls may be taken together if the counting officer for each of those referendums thinks fit.”.

34. In regulation 11 (combination of referendums and election polls: conduct of referendums) in paragraph (1) for “10(1) or (5)” substitute “10(1), (5) or (9)”.

The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012

35. The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 have effect with the additional modifications set out in paragraph 36.

36. In regulation 17(3) (combination and timing of polls: general)—

(a) omit “or” and the end of sub-paragraph (o); and

(b) after sub-paragraph (p) insert—

“or

(q) a referendum held by the relevant council under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums).”.

The Police and Crime Commissioner Elections Order 2012

37. The Police and Crime Commissioner Elections Order 2012⁽¹⁰⁾ have effect with the additional modifications set out in paragraphs 38 and 39.

38. In article 2(1) (interpretation), in the definition of “local referendum” after paragraph (c) insert—

“(d) a referendum under Schedule 4B to the Town and Country Planning Act 1990 (neighbourhood planning referendums).”.

39. In Schedule 4, after paragraph 13(4) insert—

“(5) In relation to a referendum under Schedule 4B to the Town and Country Planning Act 1990, expressions used in this Part of this Schedule are to be read as follows—

“counting agent” means a counting observer as defined by regulation 2 of the Neighbourhood Planning (Referendums) Regulations 2012;

“counting officer” means a person referred to in regulation 2 of those Regulations;

“polling agent” means a polling observer as defined in regulation 2 of those Regulations;

“elector” means voter as defined by rule 2 of the Neighbourhood Planning Referendums Rules contained in Schedule 3 of those Regulations or rule 2 of the Neighbourhood Planning Referendums (Combination of Polls) Rules contained in Schedule 5 to those Regulations.”.

⁽¹⁰⁾ S.I. 2012/1917.