
STATUTORY INSTRUMENTS

2013 No. 798

**The Neighbourhood Planning (Referendums)
(Amendment) Regulations 2013**

Business referendums

7.—(1) After regulation 16 (referendums not arranged by the local planning authority), insert—

“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;
 - (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.”
- (2) After Schedule 5 (Combination of Polls) Rules insert new Schedules 6, 7 and 8 as set out in Schedules 1, 2 and 3 to these Regulations.