Draft Regulations laid before Parliament under section 333(3A) of the Town and Country Planning Act 1990, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. 0000

TOWN AND COUNTRY PLANNING, ENGLAND

The Neighbourhood Planning (Referendums) (Amendment) Regulations 2014

Made - - - - ***

Coming into force in accordance with regulation 1

The Lord President of the Council makes these Regulations in exercise of the powers conferred by section 333(2A) and paragraph 16 of Schedule 4B to the Town and Country Planning Act 1990(**1**) and section 38A(3) of the Planning and Compulsory Purchase Act 2004(**2**).

In accordance with paragraph 16(5) of Schedule 4B to the Town and Country Planning Act 1990, the Lord President of the Council has consulted the Electoral Commission.

In accordance with section 333(3A) of the Town and Country Planning Act 1990(**3**), a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Neighbourhood Planning (Referendums) (Amendment) Regulations 2014.

(2) This regulation, and regulations 2 (interpretation) and 3 (definition of relevant register for purposes of calculating referendum expenses) come into force on the day after the day on which these Regulations are made.

(3) Regulation 19 and Schedule 4 (registration forms for business referendums) come into force on 24th February 2014.

(**1**) 1990 c.8; section 333(2A) was inserted by paragraphs 1 and 14 of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c.5); Schedule 4B was inserted by Schedule 10 to the Localism Act 2011 (c.20). The power conferred on the Secretary of State by paragraph 16 was made exercisable concurrently by the Lord President of the Council and the Secretary of State by S.I. 2013/2597.

(**2**) 2004 c.5; section 38A was inserted by paragraphs 5 and 7 of Schedule 9 to the Localism Act 2011 and applies Schedule 4B to the Town and Country Planning Act 1990 to neighbourhood development plans, subject to the modifications set out in section 38C(5).

(**3**) Section 333(3A) was inserted by paragraphs 1 and 22 of Schedule 12 to the Localism Act 2011.

(4) Regulations 9(2) and 33(1) (effect of registers) come into force on the day on which paragraph 16(3) of Schedule 4 to the Electoral Registration and Administration Act 2013(**4**) comes into force.

(5) Regulation 33(2) (payment of expenses of registration) comes into force on the day on which paragraph 17 of Schedule 4 to the Electoral Registration and Administration Act 2013 comes into force.

(6) The remainder of the Regulations come into force on 6th April 2014.

(7) The Regulations (other than regulations 1, 2, 3, 9(2) and 33) do not apply for the purposes of a referendum in respect of which the date of the poll specified in the information statement is on or before 21st May 2014.

(8) Regulation 3 does not apply for the purposes of a referendum in respect of which the referendum period begins on or before the day on which the Regulations are made.

Interpretation

2. In these Regulations—

"the 2012 Regulations" means the Neighbourhood Planning (Referendums) Regulations 2012(**5**) and, unless the context otherwise requires, a reference to a numbered regulation or Schedule is to the regulation or Schedule so numbered in the 2012 Regulations;

"information statement" has the meaning given by regulation 4(3)(a) of the 2012 Regulations; and

"referendum period" has the meaning given by regulation 2 of the 2012 Regulations.

Amendments to the 2012 Regulations

3. In regulation 6 (general restriction on referendum expenses)(**6**), in paragraph (1), for the definition of "relevant register" substitute—

> ""relevant register" means the part or parts of the register or registers of local government electors kept in accordance with section 9(1) of the 1983 Act(**7**) which has or have effect in respect of the referendum area on the day on which the referendum period begins (whether or not the persons to whom the entries relate are entitled to vote in the referendum)."

4. In Schedule 3 (the Neighbourhood Planning Referendums Rules), in rule 20 (notification of requirement of secrecy), after paragraph (1) insert—

> "(2) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees)(**8**)."

5. In Schedule 3, in rule 22 (admission to polling station), after paragraph (4) insert—

> "(5) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees)."

6. In Schedule 3, in rule 27 (voting procedure), after paragraph (5) insert—

(**4**) 2013 c.6.
(**5**) S.I. 2012/2031, amended by S.I. 2013/798.
(**6**) Regulation 6 was amended by S.I. 2013/798.
(**7**) "the 1983 Act" is defined in regulation 2 of the 2012 Regulations to mean the Representation of the People Act 1983 (c.2); section 9 was substituted by paragraphs 1 and 3 of Schedule 1 to the Representation of the People Act 2000 (c.2).
(**8**) 2002 c.30; section 38 was amended by section 120 of, paragraphs 179 and 181 of Schedule 4 to, and Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c.15), section 7 of and paragraphs 1 and 2 of Schedule 5 to the Police and Justice Act 2006 (c.48), paragraph 125 of Schedule 7 and Part 13 of Schedule 8 to the Policing and Crime Act 2009 (c.26) and paragraphs 277 and 292 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c.13).

"(6) A voter or proxy who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter or proxy accordingly."

7. In Schedule 3, in rule 37 (the count), after paragraph (3) insert—

"(3A) A postal ballot paper or postal voting statement that reaches the counting officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (3) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it."

8. In Schedule 3, in the Appendix of Forms, for Forms 6 to 13 substitute the corresponding forms in Schedule 1 to these Regulations.

9.—(1) In Part 1 of Schedule 4 (application, with modification, of other Acts and subordinate legislation), in table 1 (Representation of the People Act 1983), before the entry for section 13B insert—

"Section 13AB (alteration of registers: interim publication dates)(**9**)	After "election" in each place, insert "or referendum".
	After subsection (8) insert— "(8A) This section also applies to referendums.""

(2) In that table, in the entry for section 49 (effect of registers)(**10**), in the first column, omit ", and (6)".

10. In Part 1 of Schedule 4, in table 6 (Representation of the People (England and Wales) Regulations 2001(**11**))—

(a) in the appropriate places, insert the entries in the table in Schedule 2 to these Regulations;

(b) in the entry for regulation 4 (forms)(**12**), for the words in the first column substitute "Regulation 4(1)(b) (forms) and, in so far as it gives effect to Forms E and K in Schedule 3, Regulation 4(2)";

(c) in the entry for regulation 56 (closing date for applications)(**13**), in the second column, for "(5)" substitute "(5A)";

(d) omit the entries for regulations 85 (procedure in relation to postal voting statements) and 85B (postal voting statements: additional personal identifier verification)(**14**); and

(e) in the entry for regulation 91 (forwarding of documents)(**15**), in the second column, for the modification that inserts paragraph (2A) substitute—

(**9**) Section 13AB was inserted by section 16 of the Electoral Registration and Administration Act 2013.
(**10**) Section 49 was amended by Schedule 5 to the Representation of the People Act 1985 (c.50), paragraphs 1 and 12 of Schedule 1 and Part 1 of Schedule 7 to the Representation of the People Act 2000 (c.2), paragraphs 2 and 7 of Schedule 1 to the Electoral Administration Act 2006 (c.22) and paragraphs 1 and 16 of Schedule 4 to the Electoral Registration and Administration Act 2013.
(**11**) S.I. 2001/341, as amended by S.I. 2001/1700, S.I. 2006/752, S.I. 2006/2910, S.I. 2007/1025, S.I. 2008/1901, S.I. [xxxx/yyyy] and paragraph 2 of Schedule 1 to the Counter-Terrorism Act 2008 (c.28); there are other amending instruments but none is relevant.
(**12**) Regulation 4 of the Representation of the People (England and Wales) Regulations 2001 was amended by S.I. [xxxx/yyyy].
(**13**) Regulation 56 was amended by S.I. 2001/1700, S.I. 2006/752, S.I. 2006/2910 and S.I. [xxxx/yyyy].
(**14**) Regulations 85 and 85B were revoked by S.I. [xxxx/yyyy].
(**15**) Regulation 91 was amended by S.I. 2006/752, S.I. 2006/2910 and S.I. [xxxx/yyyy].

"After paragraph (3A) insert—

"(3B) In the case of a referendum, the documents to be forwarded under paragraphs (1) and (3A)(a) are to be forwarded to the relevant registration officer determined in accordance with the Neighbourhood Planning Referendums Rules or the Neighbourhood Planning Referendums (Combination of Polls) Rules as the case may be.""

11. In Part 2 of Schedule 4, in each of paragraphs 2, 7, 16, 19 and 22 for "the Local Authorities (Conduct of Referendums) (England) Regulations 2001" (in each place those words appear in those paragraphs) substitute "the Local Authorities (Conduct of Referendums) (England) Regulations 2012(**16**)".

12. In Schedule 5 (the Neighbourhood Planning Referendums (Combination of Polls) Rules), in rule 18 (equipment of polling stations) for paragraph (10), substitute—

"(10) In every compartment of every polling station there must be exhibited the notice—

""*PARLIAMENTARY ELECTION

([*Specify colour*] ballot paper)

Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.

*EUROPEAN PARLIAMENTARY ELECTION

([*Specify colour*] ballot paper)

Vote ONLY ONCE by putting a cross [X] in the box next to your choice.

*[*Specify name of council*] COUNCIL ELECTION

([*Specify colour*] ballot paper)

*[Vote for NO MORE THAN … CANDIDATES by putting a cross [X] in the box next to EACH of your choices]

*[Vote ONLY ONCE by putting a cross [X] in the box next to your choice].

*ELECTION OF THE MAYOR OF LONDON

([*Specify colour*] ballot paper)

#On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice.

*ELECTION OF THE LONDON ASSEMBLY

#On the constituency members ballot paper ([*specify colour*]) vote for ONE candidate only.

#On the London members ballot paper ([*specify colour*]) vote for ONE party or individual candidate only.

REFERENDUM ON [*specify: neighbourhood plan, neighbourhood development order or community right to build order*] FOR [*specify name of neighbourhood area*]

([*Specify colour*] ballot paper)

Vote only ONCE by putting a cross [X] in the box next to your choice.

*[*Specify other*] ELECTION/REFERENDUM

([*Specify colour*] ballot paper)

[*Specify voting instructions in accordance with the legislation governing the election or referendum*]

(**16**) S.I. 2012/323.

PUT NO OTHER MARK ON THE BALLOT PAPER OR YOUR VOTE MAY NOT COUNT.

*[PLEASE DO NOT FOLD THE BALLOT PAPERS FOR [*specify the elections and/or referendum(s) at which the votes are to be counted electronically*]. Post them, face downwards, in the [*appropriate] ballot box.]

**Complete or omit as necessary*.

#Alternatively, insert such information as the GLRO may decide.""

13. In Schedule 5, in rule 20 (notification of requirement of secrecy), after paragraph (1) insert—

"(2) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees)."

14. In Schedule 5, in rule 22 (admission to polling station), after paragraph (4) insert—

"(5) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees)."

15. In Schedule 5, in rule 27 (voting procedure), after paragraph (5) insert—

"(5A) A voter or proxy who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter or proxy accordingly."

16. In Schedule 5, in rule 37 (the count), after paragraph (5) insert—

"(5A) A postal ballot paper or postal voting statement that reaches the relevant returning or counting officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (5) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it."

17. In Schedule 5, in the Appendix of Forms—

(a) for Forms 6, 7, 12 and 14 substitute the corresponding forms in Schedule 3 to these Regulations; and

(b) for Forms 8 to 11 and 13 substitute Forms 7 to 10 and 12 in Schedule 1 to these Regulations (but retain the numbering in Schedule 5).

18.—(1) In Schedule 6 (registering to vote in a business referendum)(**17**), paragraph 23 (emergency change of named voter) is amended as follows.

(2) In sub-paragraph (1)—

(a) omit "a named voter" in the first place those words appear;

(b) at the beginning of paragraphs (a) and (b) insert "a named voter";

(c) after paragraph (b) insert—

"; or

(c) a business vote holder becomes aware that, as a result of a reason relating to their named voter's occupation, service or employment, the named voter cannot reasonably be expected to vote in the business referendum in the manner chosen by the named voter,".

(**17**) Schedule 6 was inserted by S.I. 2013/798.