Draft Regulations laid before Parliament under section 105(6) of the Local Government Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No.

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Conduct of Referendums) (England) (Amendment) Regulations 2004

Made - - - -	*2004*
Coming into force - -	*2004*

The First Secretary of State, in exercise of the powers conferred upon him by sections 45 and 105 of the Local Government Act 2000(**1**), having consulted the Electoral Commission as required by section 45(8A) of that Act(**2**), hereby makes the following Regulations, of which a draft has been laid before, and approved by resolution of, each House of Parliament:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authorities (Conduct of Referendums) (England) (Amendment) Regulations 2004 and shall come into force on the day after that on which they are made.

(2) These regulations apply to the holding of referendums by local authorities in England.

Amendment of conduct of referendums regulations

2.—(1) The Local Authorities (Conduct of Referendums) (England) Regulations 2001(**3**) shall be amended as follows.

(2) In regulation 2(1), insert in the appropriate place in alphabetical order—

"the Combination of Polls Regulations" means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(**4**);

"European Parliamentary election" shall have the same meaning as in section 27(1) of the 1985 Act;

(**1**) 2000 c. 22.
(**2**) Subsection (8A) was inserted by the Political Parties, Elections and Referendums Act 2000, Schedule 21, paragraph 18.
(**3**) S.I.2001/1298.
(**4**) S.I. 2004/****.

"local government election" shall have the same meaning as in section 203(1) of the 1983 Act (**5**);

"mayoral election" shall have the same meaning as in the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(**6**);

"relevant election or referendum" means one or more of the following—

(i) another referendum, (including a further referendum);

(ii) a Parliamentary election(**7**);

(iii) a European Parliamentary election;

(iv) a local government election;

(v) a mayoral election;

the poll at which is taken together with the poll at the referendum(**8**).".

(3) For regulation 15(4), substitute—

"(4) The 1985 Act and the Elections Regulations shall have effect subject to the further modifications provided for in Part I of Schedule 5.

(4A) The Principal Areas Rules shall have effect subject to the modifications set out in Part II of Schedule 5."

(4) In regulation 16—

(a) in paragraph (6), omit the words "the 1986 Regulations"; and

(b) omit paragraph (8).

(5) For regulation 17(4), substitute—

"(4) Where the poll at a referendum is combined with the poll at another referendum, the Principal Areas Rules, modified as set out in Schedule 3 to those Rules shall have effect in relation to the referendum, subject to the modifications set out in Part II of Schedule 5; and a provision set out in column 1 of that Part and expressed to apply only in the circumstances there mentioned, and any modification shown in column 2 as applicable to any such provision, shall have effect only in those circumstances.".

(6) Regulations 15(5), (7) and (9), and 16(4), (5) and (7) are revoked.

(7) For Schedule 5, substitute Schedule 5 as set out in the Schedule to these Regulations.

Signed by authority of the First Secretary of State

Minister of State
2004 Office of the Deputy Prime Minister

(**5**) Section 203(1) was amended by paragraphs 39(1) and (4) of Schedule 3 to the Greater London Authority Act 1999 (c. 29).
(**6**) S.I. 2002/185.
(**7**) For the definition of "Parliamentary election" *see* the Interpretation Act 1978 (c. 30), Schedule 1.
(**8**) For provisions as to the combination of polls, *see* section 36 of the 1983 Act, section 15 of the 1985 Act, the Local Authorities (Mayoral Elections) (England) Regulations 2002 (S.I. 2002/185) and regulation 14 of these Regulations.

SCHEDULE Regulation 2(7)

REPLACEMENT FOR SCHEDULE 5 TO THE PRINCIPAL REGULATIONS

"SCHEDULE 5 Regulations 15, 16 and 17

COMBINATION OF POLLS

PART I

General Provisions

1. For the purposes of combining the poll at—

(a) a Parliamentary general election(**9**),

(b) a European Parliamentary election,

(c) a local government election,

(d) a mayoral election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002, or

(e) another referendum,

with the poll at a referendum, the provisions specified in column (1) of the Table below shall be modified as specified in column (2).

TABLE

(1) *Provision*	*(2)* *Modification*
The 1985 Act	
Section 15 (combination of polls at parliamentary, European Parliamentary and local elections)	In subsection (1), at the end of paragraph (c), insert "or (d) a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 and— (i) a parliamentary election, (ii) a European Parliamentary election, or (iii) an ordinary local government election,". In subsection (2), after "related areas", insert "or the polls at elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 for related areas".

(**9**) For the definition of "Parliamentary election" *see* the Interpretation Act 1978 (c. 30), Schedule 1.

(1) *Provision*	*(2)* *Modification*
	In subsection (4)— (a) after "elections" (in the first place where that word appears) insert "or, as the case may be, elections and a referendum"; (b) after "one election", insert "or the referendum"; and (c) after "elections" (in the second place where that word appears), insert "or, as the case may be, the elections and the referendum". In subsection (5), after "any elections" insert "or at elections and a referendum under the Local Authorities (Conduct of Referendums) (England) Regulations 2001".
The RP Act 2000	
Section 12 (changes relating to absent voting at elections in Great Britain)	In subsection (1), at the end insert "; and as regards referendums pursuant to the Local Authorities (Conduct of Referendums) (England) Regulations 2001".
Schedule 4 (absent voting in Great Britain)	In paragraph 1, in sub-paragraph (1)— (a) in the definition of "the appropriate rules", after paragraph (b), insert— "and (c) in the case of a referendum, the LGA Referendum Rules, within the meaning of the Local Authorities (Conduct of Referendums) (England) Regulations 2001"; (b) after the definition of "local government election", insert the following definition — ""referendum" means a referendum pursuant to the Local Authorities (Conduct of Referendums) (England) Regulations 2001". In paragraphs 2 to 7— (a) except in paragraphs 3(1), 3(2), 3(4)(a)(i), 6(3), 6(7), 6(8), 7(4)(a) and 7(6)(a)(i), after "local government election", "local government elections", "elections" and "election", insert, as the context requires, "or a referendum,""or referendums", or "or the referendum"; and (b) for "an elector" in each case where it appears, substitute "a voter".

(1) *Provision*	*(2)* *Modification*
	(c) In paragraphs 3(1) and 3(2) for "or at both", substitute "or at referendums, or at any combination of such polls". In paragraphs 3(4)(a)(i) and 7(6)(a)(i), for "or both,", substitute "or referendums, or at any combination of such polls". In paragraphs 6(7), 6(8) and 7(4)(a), for "or at both,", insert "or at referendums, or at any combination of such polls".
The Elections Regulations	
Paragraph (2) of regulation 3 (interpretation)	At the end of sub-paragraph (b), insert— ", or (c) in the case of a referendum, such of those rules made under section 36 of the 1983 Act as are applied to that referendum (with or without modification) by the Local Authorities (Conduct of Referendums) (England) Regulations 2001".
Regulation 51 (general requirements for applications for an absent vote)	In paragraph (4), in sub-paragraph (b)— (a) after "for", insert "all or any of"; (b) after "local government elections", insert "or referendums, identifying those in respect of which it is made"; and (c) for "both", substitute "referendums, or at any combination of such polls". In paragraph (5)— (a) after "election", in each place, insert "or referendum"; and (b) for "elections", substitute "polls".
Regulation 56 (closing dates for applications)	In paragraphs (1) to (5) and (7)(b), after "election", in each place, insert "or referendum".
Regulation 65 (combination of polls)	Substitute— **65.** Where the polls at elections or polls at an election and a referendum, or at two referendums are taken together, the proceedings on issue and receipt of postal ballot papers in respect of each election or, as the case may be the election and the referendum or each referendum may be taken together, if the returning officers or, as the case may be, the returning officer and the counting