



# Greater London Authority (Referendum) Act 1998

## 1998 CHAPTER 3

An Act to make provision for the holding of a referendum on the establishment of a Greater London Authority and for expenditure in preparation for such an Authority; and to confer additional functions on the Local Government Commission for England in connection with the establishment of such an Authority. [23rd February 1998]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### THE REFERENDUM

##### **1 Referendum.**

- (1) On 7th May 1998 or such later date as Her Majesty may by Order in Council prescribe, a referendum shall be held on the establishment of a Greater London Authority made up of an elected assembly and a separately elected mayor.
- (2) The question to be asked in the referendum and the front of the ballot papers to be used for that purpose shall be in the form set out in the Schedule.
- (3) No recommendation shall be made to Her Majesty in Council to make an Order under subsection (1) unless a draft of the Order has been laid before, and approved by resolution of, each House of Parliament.

##### **2 Entitlement to vote.**

- (1) Those entitled to vote in the referendum shall be—

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- (a) the persons who, on the date of the referendum, would be entitled to vote as electors at a local government election in any London borough, and
  - (b) the persons who, on that date, would be entitled to vote as electors at a ward election by virtue of section 6(1)(b) of the <sup>M1</sup>City of London (Various Powers) Act 1957 (persons resident in wards of the City).
- (2) Subsection (1) shall have effect subject to any provision of an Order in Council under section 4 which provides for alterations made after a specified date in a register of electors, or a ward list, to be disregarded.
- (3) In this section “ward election” and “ward list” have the same meaning as in section 4 of the Act of 1957.

**Annotations:**

**Marginal Citations**

M1 1957 c. x.

**3 Counting Officers.**

- (1) For the purposes of the referendum, the Secretary of State shall appoint a Chief Counting Officer for Greater London.
- (2) The Chief Counting Officer shall appoint a counting officer for each London borough and for the City of London.
- (3) Each counting officer shall—
- (a) conduct the counting of votes cast in the area for which he is appointed in accordance with any directions given by the Chief Counting Officer, and
  - (b) certify the number of ballot papers counted by him and the number of votes cast for each answer.
- (4) The Chief Counting Officer shall certify the total of—
- (a) the ballot papers counted, and
  - (b) the votes cast for each answer,
- for the whole of Greater London.
- (5) For the purposes of this section, the City of London includes the Inner Temple and the Middle Temple.

**4 Referendum: supplementary.**

- (1) Where the polls at—
- (a) the referendum, and
  - (b) an ordinary election of councillors for any electoral ward of a London borough,
- are to be taken on the same day, they shall be taken together.
- (2) Her Majesty may by Order in Council make provision—
- (a) relating to the conduct of the referendum, and
  - (b) in connection with the combining of polls under subsection (1),

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including provision applying or modifying any enactment (and in particular any enactment relating to elections) or any provision made under an enactment.

- (3) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft of the Order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) The council for any London borough and the Common Council of the City of London shall place the services of its officers at the disposal of any person who is acting for the purposes of the referendum as returning officer or counting officer in relation to that borough or, as the case may be, the City.

## **5 Grants towards referendum expenditure.**

The Secretary of State may, with the consent of the Treasury, pay any of—

- (a) the London borough councils, and
- (b) the Common Council of the City of London,

grants of such amounts as he may determine in respect of expenditure incurred (or to be incurred) by them, by virtue of an Order in Council under section 4, in connection with the referendum.

## **6 Exclusion of legal proceedings.**

No court shall entertain any proceedings for questioning the number of ballot papers counted or votes cast as certified by the Chief Counting Officer, or a counting officer, appointed in accordance with section 3.

## **PART II**

### **ADVICE ON ELECTORAL ARRANGEMENTS FOR GREATER LONDON AUTHORITY**

## **7 Functions of the Local Government Commission.**

- (1) If the Secretary of State so directs, the Local Government Commission for England (in this Part referred to as “the Commission”) shall, in accordance with this Part and any directions given under it, submit to him a report—
  - (a) showing the electoral areas into which it recommends that Greater London should be divided for the purposes of the election of members of any assembly established following the referendum held by virtue of Part I,
  - (b) specifying the number of members that it recommends should be elected for each such electoral area, and
  - (c) stating the name by which it recommends that each such electoral area should be known.
- (2) A direction under subsection (1) shall specify—
  - (a) the total number of electoral areas, and
  - (b) the total number of members,for which the recommendations contained in the Commission’s report must provide.

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## **8 Preparation and submission of report.**

- (1) A direction to submit a report under section 7(1) shall specify the timetable in accordance with which the report is to be prepared, submitted and available for inspection under this Part (“the timetable”).
- (2) As soon as reasonably practicable after being directed to submit a report under section 7(1), the Commission shall take such steps as it considers sufficient to secure that persons who may be interested in the subject-matter of the report are informed of—
  - (a) the direction requiring the report to be submitted, including, in particular, the period specified in the timetable within which representations with respect to the subject-matter of the report may be made to the Commission, and
  - (b) any direction under section 10.
- (3) Before submitting its report, the Commission shall—
  - (a) take into consideration any representations made to it within the period mentioned in subsection (2)(a);
  - (b) prepare a draft report and take such steps as it considers sufficient to secure that persons who may be interested in the report are informed of it and of the period specified in the timetable within which representations with respect to it may be made;
  - (c) deposit copies of the draft report at the principal office of—
    - (i) each London borough council, and
    - (ii) the Common Council of the City of London; and
  - (d) take into consideration representations made to the Commission within the period mentioned in paragraph (b).
- (4) As soon as the Commission is in a position to submit its report to the Secretary of State (and in any event not later than the date specified in the timetable for submission of the report), it shall—
  - (a) submit the report to him,
  - (b) take such steps as it considers sufficient to secure that persons who may be interested in the report are informed of it and of the period specified in the timetable within which it may be inspected; and
  - (c) deposit copies of the report at the principal office of—
    - (i) each London borough council, and
    - (ii) the Common Council of the City of London.
- (5) Copies of the draft report deposited under subsection (3)(c), and of the report deposited under subsection (4)(c), shall be kept available for inspection at the offices concerned in accordance with the timetable.

## **9 Supplementary report.**

- (1) Where a report is submitted to the Secretary of State in accordance with a direction under section 7(1), he may, if he thinks fit, direct the Commission—
  - (a) to review such of the recommendations made in the report as may be specified in the direction, and
  - (b) to submit a further report making revised recommendations as respects—

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- (i) the electoral areas into which Greater London, or such part of it as may be specified in the direction, should be divided for the purposes of the election of members,
  - (ii) the number of members that should be elected for each such electoral area, and
  - (iii) the name by which each such electoral area should be known.
- (2) A direction under subsection (1) shall specify—
- (a) the total number of electoral areas, and
  - (b) the total number of members,
- for which the recommendations contained in the Commission's further report must provide.
- (3) Section 8 shall apply in relation to any further report with such modifications as may be specified in the direction under subsection (1) above.

## **10 Directions.**

The Secretary of State may give directions as to the exercise by the Commission of any functions under this Part; and, in particular, the directions may—

- (a) specify matters which the Commission must take into account in preparing a report;
- (b) require the Commission to have regard to any guidance given by the Secretary of State as respects matters to be taken into account in preparing a report.

## **11 Payments by Secretary of State to Commission.**

The Secretary of State may pay to the Commission such amount as he may determine to be the amount required by the Commission for carrying out its functions under this Part.

## **PART III**

### GENERAL

## **12 Expenditure.**

- (1) There shall be charged on and paid out of the Consolidated Fund—
- (a) any fee payable to, or charge made or expenditure incurred by, the Chief Counting Officer, a counting officer or a returning officer which is to be charged on and paid out of that Fund by virtue of an Order in Council under section 4; and
  - (b) any grant payable by the Secretary of State under section 5.
- (2) There shall be paid out of money provided by Parliament—
- (a) any expenditure of the Secretary of State in connection with the referendum held by virtue of this Act (other than expenditure to which subsection (1) applies);
  - (b) any expenditure of the Secretary of State under section 11; and

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- (c) any expenditure of the Secretary of State in preparation for a Greater London Authority.

**13 Short title.**

This Act may be cited as the Greater London Authority (Referendum) Act 1998.

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## SCHEDULE

Section 1.

### FORM OF BALLOT PAPER

Are you in favour of the government's proposals for a Greater London Authority, made up of an elected mayor and a separately elected assembly?

Put a cross (X) in one box:

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YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

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