



# Regional Assemblies (Preparations) Act 2003

## CHAPTER 10

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# Regional Assemblies (Preparations) Act 2003

## 2003 CHAPTER 10

An Act to make provision for the holding of referendums about the establishment of elected assemblies for the regions of England (except London); for reviewing the structure of local government in regions where the holding of a referendum is under consideration; for the holding of referendums about options for implementing the recommendations of such reviews; for implementing the recommendations of such reviews; for the Electoral Commission to give advice in connection with the establishment of assemblies; for payment of grant in connection with the activities of regional chambers; and for incurring expenditure in preparation for assemblies and in connection with the transfer of functions to them. [8th May 2003]

**B**E 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 1

#### REFERENDUMS

##### *Referendums*

#### **1 Assembly referendums**

- (1) The Secretary of State may by order cause a referendum to be held in a region specified in the order about the establishment of an elected assembly for that region.
- (2) The date of the referendum must be specified in the order.

- (3) But the Secretary of State must not make an order under subsection (1) unless each of the following two conditions is satisfied in relation to the region.
- (4) The first condition is that the Secretary of State has considered the level of interest in the region in the holding of such a referendum.
- (5) The second condition is that the Boundary Committee for England have made recommendations in relation to the region in pursuance of section 13.
- (6) The Secretary of State may make the order at any time during the period of two years starting with the date on which he gives a direction under section 13 in relation to the region so long as before he makes the order he has no cause to think that the level of interest has changed materially.
- (7) A change in the level of interest is material if the changed level is one at which the Secretary of State (disregarding factors relating to any other region) thinks he would not have given a direction under section 13.
- (8) If the Secretary of State has cause to think that the level of interest has changed materially as mentioned in subsection (6), that subsection does not apply but he must not make an order under subsection (1) unless for the purposes of subsection (4) he considers—
  - (a) views expressed and information and evidence provided to him;
  - (b) such published material as he thinks appropriate.
- (9) The Secretary of State may by order vary or revoke an order under this section if he thinks it is not appropriate for a referendum to be held on the date specified in the order.

## **2 Local government referendums**

- (1) This section applies if the Secretary of State makes an order under section 1 to cause a referendum to be held in a region about the establishment of an elected assembly for that region.
- (2) The Secretary of State must by order cause a referendum to be held in each county area in the region about the government's proposals for the structure of local government in that area.
- (3) A county area is an area in the region in relation to which both a county council and one or more district councils have functions.
- (4) But if the government's proposals for a county area include an option providing for a local authority whose area includes any part of the area of more than one county area, the county area for the purposes of this section is the combined area of each of those county areas.
- (5) The government's proposals for the structure of local government—
  - (a) are such of the recommendations of the Boundary Committee for England made in pursuance of a direction under section 13(1) or 16(4) as the Secretary of State thinks appropriate subject to such modifications (if any) as he proposes to make in pursuance of section 17(3);
  - (b) must include at least two options for structural change (within the meaning of Part 2 of the Local Government Act 1992 (c. 19)) in relation to each county area in the region.

- (6) The date of a referendum held in pursuance of an order under subsection (2) must be –
  - (a) specified in the order;
  - (b) the same date as the date specified in the order under section 1.
- (7) An order under subsection (2) must not be made before the end of the period of six weeks starting with the day on which the Secretary of State receives the recommendations of the Boundary Committee in pursuance of a direction under section 13(1) or 16(4).
- (8) The Secretary of State by order –
  - (a) may vary an order under subsection (2);
  - (b) must revoke such an order if he revokes the order under section 1.
- (9) A Minister of the Crown may by order make such provision as he thinks appropriate in connection with a referendum held in pursuance of an order under subsection (2).
- (10) An order under subsection (9) may –
  - (a) make provision for the creation of offences;
  - (b) apply or incorporate with or without modifications or exceptions any provision of any enactment (whenever passed or made and including this Act) relating to elections or referendums;
  - (c) modify any provision of Chapter 2 of Part 7 of the 2000 Act as it applies to a referendum held in pursuance of an order under section 1.

### 3 Referendum questions

- (1) The question to be asked in a referendum held in pursuance of an order under section 1 is:

“Should there be an elected assembly for the (*insert name of region*) region?”
- (2) The following statement (in as nearly as may be the following form) must precede the question on the ballot paper:

“You can help to decide whether there should be an elected assembly in the (*insert name of region*) region. If an elected assembly is to be established, it is intended that:

  - the elected assembly would be responsible for a range of activities currently carried out mainly by central government bodies, including regional economic development; and
  - local government would be reorganised into a single tier in those parts of the region that currently have both county and district councils.”
- (3) The question to be asked in a referendum in pursuance of an order under section 2(2) is:

“Which of the following options for single tier local government do you prefer?”

  - *insert text of options set out in the order requiring the referendum to be held.*”
- (4) If the same ballot paper is used for both a referendum held in pursuance of an order under section 1 and a referendum held in pursuance of an order under section 2(2), the following statement (in as nearly as may be the following form)

must precede the question on the ballot paper used in any part of the region where a referendum is held in pursuance of an order under section 2(2):

“Your part of the region currently has both county and district councils. You can help to decide how local authorities in your part of the region will be reorganised into a single tier. There will be no such reorganisation if an elected assembly is not established.”

- (5) If the same ballot paper is not used for both referendums as mentioned in subsection (4) the following statement (in as nearly as may be the following form) must precede the question on the ballot paper used for a referendum held in pursuance of an order under section 2(2):

“If an elected assembly is established for the (*insert name of region*) region, it is intended that local government will be reorganised into a single tier in those parts of the region that currently have both county and district councils.

Your part of the region currently has both county and district councils. You can help to decide how local authorities in your part of the region will be reorganised into a single tier. There will be no such reorganisation if an elected assembly is not established.”

- (6) An order under section 2(2) must set out—
- (a) the text of the options to be inserted in the question specified in subsection (3);
  - (b) such explanatory material relating to the options as will be made available for voters at the time they vote.
- (7) Before an order under section 2(2) is laid before Parliament in pursuance of section 29(2) the Secretary of State must consult the Electoral Commission—
- (a) on the wording of the text required to be inserted in pursuance of subsection (3);
  - (b) on the explanatory material.
- (8) At the time when the order is so laid the Secretary of State must lay before each House a report stating any views which the Commission have expressed in response to the consultation as to—
- (a) the intelligibility of the text mentioned in subsection (7);
  - (b) the explanatory material.
- (9) Explanatory material does not include instructions to voters as to the conduct of the referendum.

#### 4 Entitlement to vote

- (1) A person is entitled to vote in a referendum held in a region in pursuance of an order under section 1 if on the date of the referendum he is entitled to vote at the election of councillors for any electoral area in the region.
- (2) A person is entitled to vote in a referendum held in a county area of a region in pursuance of an order under section 2(2) if on the date of the referendum he is entitled to vote at the election of councillors for any electoral area in the county area.

- (3) But subsections (1) and (2) are subject to provision made by the Secretary of State in regulations for disregarding alterations made after a specified date in a register of electors.
- (4) The regulations may apply or incorporate with or without modifications or exceptions any provision of any enactment (whenever passed or made) relating to referendums or elections.
- (5) An electoral area is any electoral division or ward (or in the case of a parish in which there are no wards the parish) for which the election of councillors is held under the Local Government Act 1972 (c. 70).
- (6) County area must be construed in accordance with section 2.

## **5 Referendum period**

For the purposes of Part 7 of the 2000 Act (referendums) the Secretary of State must by order determine the referendum period for a referendum held in pursuance of an order under section 1.

## **6 Further referendums**

- (1) Subsection (2) applies if –
  - (a) a referendum is held in a region in pursuance of an order under section 1, and
  - (b) a majority of the votes cast in the referendum is against there being an elected assembly for the region.
- (2) No further order under section 1 may be made in relation to the region until the end of the period of seven years starting with the day on which the referendum was held.
- (3) Any question as to the number of votes cast in a referendum in favour of an answer to a question is determined by the certificate of the Chief Counting Officer given under section 128 of the 2000 Act (functions of Chief Counting Officer).
- (4) Subsection (5) applies if in any proceedings any certificate given by a person appointed for the purpose as to the number of votes cast in favour of any option in a referendum held in a county area in pursuance of an order under section 2(2) is declared or held to be invalid.
- (5) The Secretary of State may by order cause a further referendum to be held in that county area as mentioned in that section and for that purpose the following provisions of section 2 apply as they apply for the purpose of an order made under section 2(2) –
  - (a) subsections (3) to (5);
  - (b) subsection (6)(a);
  - (c) subsections (9) and (10).
- (6) If an order is made under subsection (5) any reference in this Act to a referendum held in pursuance of an order under section 2(2) or to the order must be construed as a reference to a referendum held in pursuance of an order under subsection (5) or to the order under that subsection (as the case may be).
- (7) But subsection (6) applies to such a reference in section 3(7) and (8) only to the extent that the wording of the text mentioned in section 3(7)(a) or the

explanatory material differs from that considered by the Electoral Commission for the purposes of the referendum held in pursuance of the order under section 2(2).

- (8) For the purposes of a referendum held in pursuance of an order under subsection (5) the Secretary of State may by order vary the terms of the statement set out in section 3(5).
- (9) Before an order under subsection (8) is laid before Parliament in pursuance of section 29(2) the Secretary of State must consult the Electoral Commission as to the wording of the statement as so varied.
- (10) At the time when the order is so laid the Secretary of State must lay before each House a report stating any views which the Commission have expressed in response to the consultation as to the intelligibility of the statement as so varied.
- (11) The Secretary of State may by order vary or revoke an order made under subsection (5) if he thinks that it is not appropriate for the referendum to be held on the date specified in the order.
- (12) Explanatory material must be construed in accordance with section 3.

#### *Combination of polls*

### **7 Combination of polls**

- (1) A Minister of the Crown may by order make provision for the combination of polls at a referendum held in pursuance of an order under section 1 or 2(2) with one another or with—
  - (a) polls at a referendum held under section 27 of the Local Government Act 2000 (c. 22) or by virtue of regulations or an order under Part 2 of that Act;
  - (b) polls at any election.
- (2) The order may—
  - (a) make provision in connection with the combination of polls;
  - (b) make provision for the creation of offences;
  - (c) apply or incorporate with or without modifications or exceptions any provision of any enactment (whenever passed or made) relating to elections or referendums.

#### *Electoral Commission*

### **8 Encouraging voting**

The Electoral Commission may do anything they think necessary or expedient for the purpose of encouraging voting at referendums to be held in pursuance of an order under this Part.

### **9 Provision of information to voters**

- (1) Subsection (2) applies if—

- (a) the Secretary of State makes an order under section 1 to cause a referendum to be held in a region about the establishment of an elected assembly for the region, and
  - (b) before the appropriate day the Electoral Commission have not designated (in relation to each possible outcome of the referendum) an organisation under section 108 of the 2000 Act (organisations to whom assistance is available under section 110 of that Act).
- (2) The Electoral Commission may take such steps as they think appropriate to provide for persons entitled to vote in the referendum such information as the Commission think is likely to promote awareness among those persons about the arguments for and against each answer to the referendum question.
- (3) The appropriate day is—
  - (a) the 43rd day of the referendum period if one or more applications under section 109 of the 2000 Act (applications for assistance under section 110 of that Act) is made before the 29th day of the referendum period in relation to each possible outcome of the referendum;
  - (b) the 29th day of the referendum period in any other case.
- (4) But if a Minister of the Crown makes an order under section 109(6) of the 2000 Act the appropriate day is the day specified in the order for the purposes of this section.
- (5) Subsection (6) applies if the Secretary of State makes an order under section 2(2) to cause a referendum to be held about the government’s proposals for the structure of local government.
- (6) The Electoral Commission may take such steps as they think appropriate to provide for persons entitled to vote in the referendum such information as the Commission think is likely to promote awareness among those persons about the arguments relating to the options in those proposals.
- (7) Information provided in pursuance of this section must be provided by the means the Commission think is most likely to secure (in the most cost effective way) that the information comes to the notice of all persons entitled to vote in the referendum.

## 10 Expenditure

- (1) A Minister of the Crown (with the consent of the Treasury) may by order make provision for the payment by the Electoral Commission of any of the following—
  - (a) the charges in respect of services properly rendered or expenses properly incurred by a counting officer in connection with a referendum held in pursuance of an order under this Part;
  - (b) the sum equal to any increase in the superannuation contributions required to be paid by a local authority in respect of any person in consequence of a fee paid as part of a counting officer’s charges under paragraph (a).
- (2) The order may include provision as to—
  - (a) the services and expenses or descriptions of services and expenses in respect of which payment may be made;
  - (b) the maximum amount to be paid or reimbursed in respect of such services and expenses or descriptions of services and expenses;

- (c) payments in advance;
  - (d) accounts to be submitted.
- (3) Counting officer includes a person appointed in pursuance of an order under section 2(9) for the purpose of certifying the number of ballot papers or votes cast in a referendum held in pursuance of an order under section 2(2).

### *Legal challenge*

## **11 Legal challenge**

- (1) No court shall entertain any proceedings for questioning –
- (a) the number of ballot papers or votes cast in a referendum held in pursuance of an order under section 1 as certified by the Chief Counting Officer for the referendum or by a counting officer;
  - (b) the number of ballot papers or votes cast in a referendum held in pursuance of an order under subsection (2) of section 2 as certified by a person appointed for the purpose in pursuance of an order under subsection (9) of that section,
- unless the proceedings are brought in accordance with this section.
- (2) The proceedings must be brought by a claim for judicial review.
- (3) The court must not give permission for the claim unless the claim form is filed before the end of the period of six weeks starting with the certificate date.
- (4) The certificate date is –
- (a) the date on which a certificate as to the matters mentioned in subsection (1)(a) or (b) is given by the Chief Counting Officer, counting officer or other person mentioned in subsection (1)(b);
  - (b) if there is more than one such certificate in a referendum the date on which the last such certificate is given.

### *Supplementary*

## **12 Supplementary**

- (1) This Part does not affect the power of a Minister of the Crown to make provision under section 129 of the 2000 Act (orders regulating the conduct of referendums) for or in connection with a referendum held in pursuance of an order under section 1 above.
- (2) It is immaterial whether the power is exercised before or after the passing of this Act.
- (3) Section 126 of the 2000 Act (identification of promoter and publisher of referendum materials) does not apply to any material published for the purposes of a referendum held in pursuance of an order under section 1 above if the publication is required under or by virtue of an order under section 129(1) of that Act or section 7 above.
- (4) No order may be made under any of the following provisions unless the person making the order first consults the Electoral Commission –
- (a) section 2(9);
  - (b) section 7(1);

- (c) section 10(1).
- (5) Expressions used in this Part and in Part 7 of the 2000 Act have the same meaning in this Part as they do in that Part.
- (6) The 2000 Act is the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (7) Subsection (5) –
  - (a) does not apply to references to the Secretary of State;
  - (b) is subject to section 28 below.
- (8) This section applies for the purposes of this Part.

## PART 2

### LOCAL GOVERNMENT REVIEWS

#### *Reviews*

#### **13 Local government review**

- (1) If the Secretary of State is considering whether to cause a referendum to be held in a region about the establishment of an elected assembly for the region, he may direct the Boundary Committee for England –
  - (a) to carry out a local government review of the region;
  - (b) to make recommendations as to the matters considered by the review.
- (2) But the Secretary of State must not give a direction unless he has considered the level of interest in the region in the holding of a referendum.
- (3) If at any time the Secretary of State is considering whether to cause a referendum to be held in two or more regions he may consider (for the purpose of deciding in respect of which (if any) regions to give a direction) any differences in the levels of interest in the different regions in the holding of a referendum.
- (4) For the purposes of subsections (2) and (3) the Secretary of State must consider –
  - (a) views expressed and information and evidence provided to him;
  - (b) such published material as he thinks appropriate.
- (5) For the purposes of deciding in respect of which (if any) regions to give a direction the Secretary of State may also consider –
  - (a) the effects he thinks the carrying out of a local government review will have on the relevant local authorities (taken as a whole) in the region;
  - (b) differences in the effects he thinks the carrying out of local government reviews will have on the relevant local authorities (taken as a whole) in different regions;
  - (c) the implications for the Boundary Committee of the making of directions in respect of two or more regions at the same time or in close proximity of time;
  - (d) the resources needed for the Boundary Committee to carry out local government reviews;

- (e) whether the Boundary Committee have made any recommendations in respect of a region in pursuance of an earlier direction under this section.
- (6) For the purposes of subsection (5)(a) and (b) the Secretary of State—
  - (a) must have regard (in particular) to the number of relevant local authorities in a region and the number of people living in the areas of those authorities;
  - (b) must ignore any effect of the implementation of recommendations of the Boundary Committee following a review.
- (7) It is immaterial that anything done for the purposes of subsection (4) or (5) is done before the passing of this Act.
- (8) A direction may require the Boundary Committee—
  - (a) to start the review not later than a specified date;
  - (b) to make their recommendations not later than a specified date.
- (9) But the Secretary of State must not give a direction containing such requirements unless he has consulted the Boundary Committee as to the dates he proposes to specify.
- (10) A direction under this section may be varied or revoked by a subsequent direction.

#### **14 Local government review: supplementary**

- (1) This section applies for the purposes of section 13.
- (2) The number of people living in an area is taken to be the most recent estimate of that number published by the Office for National Statistics.
- (3) A local government review is a review to consider—
  - (a) appropriate structural change for the region;
  - (b) whether any boundary changes should be made in the region in connection with or to facilitate the carrying out of the structural change.
- (4) Relevant local authorities are the county council and district council for any area in the region in relation to which both councils have functions.
- (5) The Boundary Committee must not consider any boundary change in relation to—
  - (a) any area in the region which is not the area of a relevant local authority unless it has the effect that any part of the area of a relevant local authority becomes part of the area of a local authority which is not a relevant local authority;
  - (b) any area outside the region.
- (6) The Boundary Committee for England may require a public body to give the Committee such information as they reasonably require in connection with their functions under this Part.
- (7) A public body must comply with a requirement under subsection (6).
- (8) In carrying out their functions under this Part the Boundary Committee must—
  - (a) assume that there is an elected assembly for the region;

- (b) recommend structural change for so much of the area of the region as is comprised of the areas of all of the relevant local authorities in the region;
- (c) have regard to the need to reflect the identities and interests of local communities;
- (d) have regard to the need to secure effective and convenient local government;
- (e) have regard to guidance issued by the Secretary of State.

## 15 Review procedure

The provisions of the 1992 Act specified in the left hand column of the Table apply to a review carried out by the Boundary Committee for England in pursuance of a direction under section 13 of this Act as they apply to a review carried out by them under Part 2 of that Act subject to the modifications specified in the right hand column:

### Section 14

- (a) In subsection (1) for references to the Electoral Commission substitute references to the Boundary Committee for England;
- (b) In subsection (1)(b) for “independently of any such change” substitute “otherwise”;
- (c) Subsection (1)(c) must be ignored;
- (d) Subsection (3)(b) does not apply to a parish;
- (e) In subsection (3) paragraphs (d), (e), (f) and (g) must be ignored;
- (f) Subsection (4) must be ignored;
- (g) Subsection (5)(ba) must be ignored;
- (h) In subsection (6) omit “subject to any necessary electoral changes”;
- (i) Subsection (8) must be ignored.

### Section 15

- (a) In subsection (1)(b) omit “under this Part”;
- (b) Subsections (2) and (6) to (8) must be ignored;
- (c) In subsection (3) omit “or (2)(c)”;
- (d) In subsection (4) for references to the Electoral Commission substitute references to the Secretary of State.

Section 15A	<p>(a) For “Where the Electoral Commission consider it appropriate they may direct the Boundary Committee for England” substitute “If the Boundary Committee for England think it appropriate they may decide”;</p> <p>(b) In paragraph (c) for “Electoral Commission” substitute “Secretary of State”.</p>
Section 16	References to the Electoral Commission must be ignored.

## 16 Boundary Committee recommendations

- (1) This section applies in relation to recommendations made by the Boundary Committee in pursuance of section 13(1)(b).
- (2) The recommendations must include at least two options for structural change in relation to each county area in the region.
- (3) At any time after he receives the recommendations the Secretary of State may –
  - (a) direct the Boundary Committee to supply him with additional information or advice;
  - (b) reject one or more of the options.
- (4) If the Secretary of State rejects one or more of the options he may direct the Boundary Committee either –
  - (a) to make different recommendations, or
  - (b) to carry out a further local government review of the region and to make further recommendations.
- (5) If the Secretary of State acts under subsection (4)(b), sections 13(8) to (10), 14(3) to (8), 15 and this section apply for the purposes of the further review and recommendations.
- (6) For the purposes of subsection (5) it is immaterial whether the Secretary of State has considered any of the matters in section 13(5).
- (7) County area must be construed in accordance with section 2(3).

### *Implementation*

## 17 Implementation of recommendations

- (1) This section applies to a region if –
  - (a) a referendum has been held in the region in pursuance of an order under section 1, and
  - (b) the Secretary of State proposes that an elected assembly is established for the region.

- (2) The Secretary of State may by order give effect to all or any of the recommendations of the Boundary Committee for England made to him in pursuance of a direction under section 13 or 16(4).
- (3) Such an order may give effect to a recommendation with or without modifications.
- (4) The following provisions of section 17 of the 1992 Act apply for the purposes of this section as they apply for the purposes of that section –
  - (a) subsection (3), ignoring paragraphs (d), (e), (ea) and (f) and the references to subsection (3A) and the Electoral Commission;
  - (b) subsections (4) and (5);
  - (c) subsection (6), ignoring paragraph (c),and any reference in those provisions to an order under section 17 of the 1992 Act must be construed for the purposes of this section as a reference to an order under this section.
- (5) If the Secretary of State believes –
  - (a) that there has been a mistake in the preparation of an order under subsection (2), and
  - (b) that the mistake cannot be rectified by a subsequent order under that subsection,he may by order make such provision as he thinks is necessary or expedient to rectify the mistake.
- (6) The Schedule (which contains amendments consequential on this section) has effect.

## 18 Application of 1992 Act

- (1) The provisions of the 1992 Act specified in the left hand column of the Table apply for the purposes of this Part as they apply for the purposes of Part 2 of that Act subject to the modifications (if any) specified in the right hand column:

Section 18	In subsection (4) for “Electoral Commission” substitute “Boundary Committee for England”.
Sections 19 and 20	
Section 21	In subsection (1) for “Electoral Commission” substitute “Boundary Committee for England”.
Sections 22 and 23	
Section 26	So far as it relates to anything done under a provision specified in this Table for the purposes of this Part.

- (2) In the application of those provisions for the purposes of this Part any reference to –
  - (a) an order under section 17 of the 1992 Act must be construed as a reference to an order under section 17 of this Act;
  - (b) an order under Part 2 of the 1992 Act must be construed as a reference to an order under that Part as applied by subsection (1).

- (3) Expressions used in this Part and in Part 2 of the 1992 Act have the same meaning in this Part as they do in that Part, but references to a local authority do not include references to a parish council.
- (4) In this Part the 1992 Act is the Local Government Act 1992 (c. 19).

*Electoral Commission*

**19 Payments to Electoral Commission**

- (1) The Secretary of State may pay to the Electoral Commission such amount as he decides is the amount required by them to enable the Boundary Committee for England to carry out their functions under this Part.
- (2) A payment under subsection (1) must be treated as income received by the Commission for the purposes of paragraph 14(1) of Schedule 1 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

*Isles of Scilly*

**20 Isles of Scilly**

- (1) For the purposes of section 13 the Council of the Isles of Scilly are not a relevant local authority.
- (2) But the Secretary of State may by regulations make such provision as he thinks appropriate in relation to the Isles of Scilly in consequence of anything done under or by virtue of this Part.

**PART 3**

ADVICE OF ELECTORAL COMMISSION

**21 Advice of the Electoral Commission**

- (1) This section applies in relation to a region if—
  - (a) a referendum has been held in the region in pursuance of an order under section 1, and
  - (b) the Secretary of State proposes that an elected assembly is established for the region.
- (2) Not later than the end of the period of two years beginning with the day on which the referendum was held the Secretary of State must give the Electoral Commission a direction in respect of a region in relation to which this section applies.
- (3) A direction under subsection (2) must require the Electoral Commission to give the Secretary of State advice as to such of the following matters as the Secretary of State thinks appropriate—
  - (a) the electoral areas into which the region is to be divided for the purposes of the election of members to any assembly established following the referendum;
  - (b) the number of electoral areas;
  - (c) the name by which each electoral area is to be known;

- (d) the total number of members to be elected to the assembly.
- (4) For the purposes of subsection (3) the direction –
  - (a) may specify maximum and minimum numbers or total numbers (as the case may be);
  - (b) may require the advice to be given in respect of a specified number of options.
- (5) A direction given under this section may be varied (whether or not within the period of two years mentioned in subsection (2)) by a subsequent direction.

## 22 Preparation and submission of advice

- (1) A direction given to the Electoral Commission under section 21 must specify the timetable in accordance with which any thing must be done in connection with the advice.
- (2) As soon as is reasonably practicable after receiving a direction the Electoral Commission must take such steps as they think sufficient to secure that persons who may be interested in the subject matter of the advice are informed of –
  - (a) the direction;
  - (b) the period specified in the timetable within which representations as to the subject matter must be made to them.
- (3) Before submitting their advice the Commission must –
  - (a) take account of any representations made to them as mentioned in subsection (2)(b);
  - (b) prepare draft advice;
  - (c) take such steps as they think sufficient to secure that persons who may be interested in the advice are informed of the draft and of the period specified in the timetable within which representations as to the draft advice must be made to them;
  - (d) deposit copies of the draft advice at the principal offices of every county council and district council in the region;
  - (e) take account of representations made to them as mentioned in paragraph (c).
- (4) Not later than the date specified in the timetable for the submission of their advice the Commission must –
  - (a) submit their advice to the Secretary of State;
  - (b) take such steps as they think sufficient to secure that persons who may be interested in the advice are informed of it and of the period specified in the timetable within which it may be inspected;
  - (c) deposit copies of the advice at the principal offices of every county council and district council in the region.
- (5) The copies deposited under subsections (3)(d) and (4)(c) must be kept available for inspection by members of the public at the offices concerned in accordance with the timetable.
- (6) If the region to which the advice relates includes the Isles of Scilly the copies must also be deposited under subsections (3)(d) and (4)(c) at the principal office of the Council of the Isles of Scilly, and subsection (5) applies accordingly.

**23 Electoral Commission exercise of functions**

In carrying out their functions under this Part the Electoral Commission must have regard (in particular) to –

- (a) the need to reflect the identities and interests of local communities;
- (b) the need to secure that the number of electors for an electoral area for an assembly is as near as is reasonably practicable to the number of electors for the other electoral areas (taking account, where appropriate, of special geographical considerations);
- (c) guidance given by the Secretary of State.

**24 Payments to Electoral Commission**

- (1) The Secretary of State may pay to the Electoral Commission such amount as he decides is the amount required by them to carry out their functions under this Part.
- (2) A payment under subsection (1) must be treated as income received by the Commission for the purposes of paragraph 14(1) of Schedule 1 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

**PART 4**

## FUNDING FOR REGIONAL CHAMBERS

**25 Funding for regional chambers**

- (1) The Secretary of State may make a grant to any person in respect of expenditure incurred in connection with the activities of a regional chamber.
- (2) The grant may be made on such terms as the Secretary of State thinks appropriate.
- (3) The terms may include provision as to –
  - (a) the circumstances in which the grant is to be repaid to the Secretary of State, and
  - (b) the manner in which that is to be done.
- (4) A regional chamber is a body designated as such for the regional development agency of a region under section 8 of the Regional Development Agencies Act 1998 (c. 45).

**PART 5**

## GENERAL

**26 Enactment establishing assemblies immaterial**

For the purposes of this Act it is immaterial whether any enactment confers power on the Secretary of State to establish elected assemblies for regions.

**27 Commencement**

- (1) The preceding provisions of this Act come into force at the end of the period of two months beginning with the day on which it is passed.

- (2) Subsection (1) does not apply to –
- (a) Part 2;
  - (b) Part 4.

## **28 Regions**

In this Act a region is a region (except London) specified in Schedule 1 to the Regional Development Agencies Act 1998 (c. 45).

## **29 Orders and regulations**

- (1) A power in this Act to make an order or regulations must be exercised by statutory instrument.
- (2) But a statutory instrument must not be made unless a draft of the order or regulations (as the case may be) has been laid before Parliament and approved by a resolution of each House.
- (3) An order or regulations –
- (a) may contain such consequential, incidental, supplementary or transitional provision or savings (including provision amending, repealing or revoking enactments) as the person making the order or regulations thinks appropriate;
  - (b) may make different provision for different purposes.
- (4) If a draft of an instrument to which subsection (5) applies would apart from this section be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument it must proceed in that House as if it were not such an instrument.
- (5) This subsection applies to an instrument made under –
- (a) Part 1 of this Act;
  - (b) section 17 of this Act;
  - (c) section 129(1) of the Political Parties, Elections and Referendums Act 2000 (c. 41) to the extent that it is made for the purpose of a referendum held in pursuance of an order under section 1 of this Act.

## **30 Expenditure**

- (1) The following amounts are to be paid out of money provided by Parliament –
- (a) any expenditure of a Minister of the Crown in connection with a referendum held in pursuance of an order under Part 1;
  - (b) any expenditure of the Secretary of State under sections 19, 24 and 25;
  - (c) any expenditure of the Secretary of State in preparation for elected regional assemblies;
  - (d) any expenditure of the Secretary of State in connection with the transfer of any function to such an assembly;
  - (e) any increase attributable to this Act in the sums so payable under any other enactment.
- (2) There are to be charged on and paid out of the Consolidated Fund any sums required to meet the expenditure of the Electoral Commission under section 10.

**31 Short title**

This Act may be cited as the Regional Assemblies (Preparations) Act 2003.

## SCHEDULE

Section 17

### AMENDMENTS

#### *Fire Services Act 1947 (10 & 11 Geo 6 c. 41)*

- 1 (1) The Fire Services Act 1947 is amended as follows.
- (2) In section 6(2A) (Secretary of State to consider representations on certain combination schemes, but not required to cause public local inquiry), in paragraph (a) after “of that Part” there is inserted “or an order under section 17 of the Regional Assemblies (Preparations) Act 2003 containing such provision”.
- (3) In section 10 (power to make schemes in advance of alteration of local government areas) after “1992” there is inserted “or section 17 of the Regional Assemblies (Preparations) Act 2003”.

#### *Coroners Act 1988 (c. 13)*

- 2 In section 1(1A)(e) of the Coroners Act 1988 (appointment of coroners) at the end there is added “or section 17 of the Regional Assemblies (Preparations) Act 2003”.

#### *Local Government Finance Act 1988 (c. 41)*

- 3 (1) The Local Government Finance Act 1988 is amended as follows.
- (2) In section 74(2A) (councils subject to levy) at the end there is added “or section 17 of the Regional Assemblies (Preparations) Act 2003”.
- (3) In section 89(2A) (establishment of collection fund by certain councils) after “1992” there is inserted “or section 17 of the Regional Assemblies (Preparations) Act 2003”.
- (4) In section 91 (general funds) –
  - (a) in subsection (1)(aa) after “1992” there is inserted “or section 17 of the Regional Assemblies (Preparations) Act 2003”;
  - (b) in subsection (3A) after “1992” there is inserted “or section 17 of the Regional Assemblies (Preparations) Act 2003”.

#### *Local Government and Housing Act 1989 (c. 42)*

- 4 In the Local Government and Housing Act 1989 in section 39(1) (authorities subject to Part 4) in paragraph (ib) after “1992” there is inserted “or section 17 of the Regional Assemblies (Preparations) Act 2003”.