

These notes refer to the Local Government (Religious etc. Observances) Act 2015 (c.27) which received Royal Assent on 26 March 2015

LOCAL GOVERNMENT (RELIGIOUS ETC. OBSERVANCES) ACT 2015

EXPLANATORY NOTES

BACKGROUND AND SUMMARY

Background

3. The background to this Act is the High Court decision in *R oao National Secular Society and Bone v Bideford Town Council* [2012] EWHC 175 (Admin) where the Court found that the saying of prayers as part of the formal meeting of a council was not lawful under section 111 of the Local Government Act 1972, and there is no statutory power permitting the practice to continue.
4. Shortly after the High Court's judgement the Government brought into force the general power of competence under section 1 of the Localism Act 2011. This power gives principal local authorities in England (county, district and London borough councils, the Common Council of the City of London, the Council of the Isles of Scilly) and some parish councils the freedom to continue to have prayers as part of formal meetings of the authority. However, smaller parish councils do not have this power and neither do a range of single-purpose authorities such as fire and rescue authorities, and integrated transport authorities.
5. The Local Government (Religious etc. Observances) Act 2015 applies to a wide range of local authorities (including those that already have the benefit of the general power of competence): see section 2. As well as providing a clear statement that Parliament considers this to be an important issue it will put beyond any doubt the legal position about the use of the general power of competence without the need for litigation on its scope.