

*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**

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## **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.

#### ***Summary***

6. The effect of the Local Government (Religious etc. Observances) Act 2015 is to give local authorities in England, and a range of other authorities in England such as fire and rescue authorities, integrated transport authorities and combined authorities, the power to include prayers etc. as an item of business should they wish to do so, and to support, facilitate, or be represented at religious or similar events. In particular this will ensure that (i) small parish councils which do not have the power of general competence can take time for prayers at their meetings, and (ii) authorities in England can support activities, such as the annual commemoration on Remembrance Sunday, which have a religious dimension.
7. The main provisions insert three new sections into Part 7 of the Local Government Act 1972.