

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

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DRAFT STATUTORY INSTRUMENTS

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**2002 No.**

**LOCAL GOVERNMENT, ENGLAND**

**The Local Authorities (Conduct of Referendums)  
(England) (Amendment) Regulations 2002**

<i>Made</i>	-	-	-	-	2002
<i>Coming into force</i>	-	-			2002

The Secretary of State for Transport, Local Government and the Regions, after consultation with the Electoral Commission, in exercise of the powers conferred upon him by sections 45 and 105 of the Local Government Act 2000<sup>(1)</sup>, 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 2002 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 Regulations**

2. The Local Authorities (Conduct of Referendums) (England) Regulations 2001<sup>(2)</sup> are amended—

(a) in regulation 10 (postal ballots and postal votes)—

- (i) in paragraph (2), by the substitution, for “A”, of “Subject to paragraph (2A), a”; and
- (ii) by the insertion, after paragraph (2), of the following paragraph—

“(2A) A determination may be made under paragraph (1) where the votes at the election are to be cast only by postal ballot.”; and

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<sup>(1)</sup> 2000 c. 22. Section 45 is amended by the Political Parties and Elections Act 2000 (c. 41), Schedule 21, paragraph 18. Consultation with the Electoral Commission is required by section 45(8A).

<sup>(2)</sup> S.I.2001/1298.

- (b) in Schedule 3 (application, with modifications, of Acts and Statutory Instruments), in Table 1 (Representation of the People Act 2000), before the entry relating to section 12, by the insertion of the following entry<sup>(3)</sup>—

“Section 10 (pilot schemes for local elections in England and Wales)	<p>In subsection (2)—</p> <p>(a) after “Representation of the People Acts”, insert “or the Local Government Act 2000”; and</p> <p>(b) in paragraph (c), for “candidates”, substitute “any campaign organiser within the meaning of regulations 6 and 7 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p>
	<p>In subsection (3)—</p> <p>(a) in paragraph (b), for “candidates”, substitute “campaign organisers”; and</p> <p>(b) for “section 75(1) of the 1983 Act (restriction on third party election expenditure)”, substitute “regulations 6 and 7 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001”.</p>
	Omit subsection (4).
	In subsection (7), at the end of paragraph (a), insert “or the Local Government Act 2000”.
	In subsection (11), for the words after “means”, substitute “a county council, a district council or a London borough council.”.

Signed by authority of the Secretary of State for Transport, Local Government and the Regions

2002

Parliamentary Under Secretary of State,  
Department for Transport, Local Government  
and the Regions

<sup>(3)</sup> Section 10 of the Representation of the People Act 2000 is amended by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 21, paragraph 16.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (“the principal Regulations”). Referendums under those Regulations relate to the question whether a county, district or London borough council should adopt executive arrangements that include a mayor and cabinet executive, a mayor and council manager executive or a leader and cabinet executive.

The effect of the amendment to regulation 10 of the principal Regulations is to enable voting at a referendum which is required (by regulation 14(1) of those Regulations) to be taken together with an election of a description in regulation 14(2) to be conducted wholly by post where the election is also to be conducted wholly by post.

The effect of the amendment to Table 1 in Schedule 3 to the principal Regulations is to apply section 10 of the Representation of the People Act 2000 to referendums, subject to modifications. (In addition to the modifications specified in the new entry in that Table, section 10 will have effect, in relation to referendums, subject to the modifications for which regulation 8(1) of the principal Regulations provides.) Section 10, as modified, enables the Secretary of State to approve pilot schemes submitted by county, district or London borough councils for the conduct of referendums. The schemes may deal with when, where and how voting is to take place, how votes cast in the referendum are to be counted and the sending by campaign organisers (defined in regulation 6(1) of the principal Regulations) of referendum communications free of charge for postage.