



# Local Government Act 2000

## 2000 CHAPTER 22

### PART II **E+W**

[<sup>F1</sup>LOCAL AUTHORITIES IN WALES: ARRANGEMENTS] WITH RESPECT TO EXECUTIVES ETC.

#### *Referendums*

#### 34 Referendum following petition. **E+W**

(1) The [<sup>F1</sup>Welsh Ministers] may by regulations make provision for or in connection with requiring a local authority which receive a petition which complies with the provisions of the regulations to hold a referendum, in such circumstances as may be prescribed in the regulations, on whether the authority should [<sup>F2</sup>operate a relevant form of executive].

[<sup>F3</sup>(1A) In this section “relevant form of executive” [<sup>F4</sup>means] executive arrangements involving a form of executive for which a referendum is required.

(2) The provision which may be made by regulations under subsection (1) includes provision—

- (a) as to the form and content of petitions (including provision for petitions in electronic form),
- (b) as to the minimum number of local government electors for a local authority’s area who must support any petition presented to the authority during any period specified in the regulations,
- (c) for or in connection with requiring an officer of a local authority to publish the number of local government electors for the authority’s area who must support any petition presented to the authority,
- (d) as to the way in which local government electors for a local authority’s area are to support a petition (including provision enabling local government electors to support petitions by telephone or by electronic means),
- (e) as to the action which may, may not or must be taken by a local authority in connection with any petition,

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- (f) as to the manner in which a petition is to be presented to a local authority,
  - (g) as to the verification of any petition,
  - (h) as to the date on which, or the time by which, a referendum must be held,
  - (i) as to the action which may, may not or must be taken by a local authority before or in connection with a referendum,
  - (j) as to the action which may, may not or must be taken by a local authority after a referendum, and
  - (k) for or in connection with enabling the [<sup>F5</sup>Welsh Ministers], in the event of any failure by a local authority to take any action permitted or required by virtue of the regulations, to take that action.
- (3) The provision which may be made by virtue of subsection (2) includes provision which applies or reproduces (with or without modifications) any provisions of section 25, 27, 28, [<sup>F6</sup>29 or 33][<sup>F6</sup>or 29]<sup>F7</sup>....
- (4) The number of local government electors mentioned in subsection (2)(b) is to be calculated at such times as may be provided by regulations under this section and (unless such regulations otherwise provide) is to be 5 per cent. of the number of local government electors at each of those times.
- (5) Nothing in subsection (2), (3) or (4) affects the generality of the power under subsection (1).]

#### Textual Amendments

- F1** Words in s. 34(1) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 51\(2\)](#); [S.I. 2012/57](#), art. 4(1)(c) (with arts. 6, 7, 9-11)
- F2** Words in s. 34(1) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 65\(2\)](#), 245(2)
- F3** S. 34(1A) inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 65\(3\)](#), 245(2)
- F4** Word in s. 34(1A) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 51\(3\)](#); [S.I. 2012/57](#), art. 4(1)(c) (with arts. 6, 7, 9-11)
- F5** Words in s. 34(2)(k) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 51\(2\)](#); [S.I. 2012/57](#), art. 4(1)(c) (with arts. 6, 7, 9-11)
- F6** Words in s. 34(3) substituted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), [ss. 36\(1\)\(e\)](#), 178(2) (with s. 36(5)-(8))
- F7** Words in s. 34(3) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 51\(4\)](#), [Sch. 25 Pt. 4](#); [S.I. 2012/57](#), art. 4(1)(c)(ee)(i) (with arts. 6, 7, 9-11)

#### Commencement Information

- I1** S. 34 wholly in force at 1.11.2000; s. 34 not in force at Royal Assent s. 108; s. 34 in force at 7.8.2000 in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\)](#), 2(a); s. 34 in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#)

## 35 Referendum following direction. E+W

- (1) The [<sup>F8</sup>Welsh Ministers] may by regulations make provision for or in connection with enabling [<sup>F9</sup>them], in such circumstances as may be prescribed in the regulations, to direct a local authority to hold a referendum on whether they should operate executive arrangements involving an executive which takes such form permitted by or under section 11 as may be specified in the direction.

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- (2) The provision which may be made by regulations under this section includes provision—
- (a) as to the date on which, or the time by which, a referendum must be held,
  - (b) as to the action which may, may not or must be taken by a local authority before or in connection with a referendum,
  - (c) as to the action which may, may not or must be taken by a local authority after a referendum, and
  - (d) for or in connection with enabling the [<sup>F10</sup>Welsh Ministers], in the event of any failure by a local authority to take any action permitted or required by virtue of the regulations, to take that action.
- (3) The provision which may be made by virtue of subsection (2) includes provision which applies or reproduces (with or without modifications) any provisions of section 25, 27, 28, [<sup>F11</sup>29 or 33][<sup>F11</sup> or 29]<sup>F12</sup>....
- (4) Nothing in subsection (2) or (3) affects the generality of the power under subsection (1).

#### Textual Amendments

- F8** Words in s. 35(1) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 52\(2\)\(a\)](#); [S.I. 2012/57](#), art. 4(1)(c) (with arts. 6, 7, 9-11)
- F9** Word in s. 35(1) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 52\(2\)\(b\)](#); [S.I. 2012/57](#), art. 4(1)(c) (with arts. 6, 7, 9-11)
- F10** Words in s. 35(2)(d) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 52\(3\)](#); [S.I. 2012/57](#), art. 4(1)(c) (with arts. 6, 7, 9-11)
- F11** Words in s. 35(3) substituted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), [ss. 36\(1\)\(f\)](#), 178(2) (with s. 36(5)-(8))
- F12** Words in s. 35(3) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 52\(4\)](#), [Sch. 25 Pt. 4](#); [S.I. 2012/57](#), art. 4(1)(c)(ee)(i) (with arts. 6, 7, 9-11)

#### Commencement Information

- I2** S. 35 wholly in force at 1.11.2000; s. 35 not in force at Royal Assent see s. 108; s. 35 in force at 7.8.2000 in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\)](#), 2(a); s. 35 in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#)

## 36 Referendum following order. **E+W**

- (1) The [<sup>F13</sup>Welsh Ministers] may by order make provision requiring every local authority, or every local authority falling within any description of authority specified in the order, to hold a referendum on whether they should operate executive arrangements involving an executive which takes such form permitted by or under section 11 as may be specified in the order.
- (2) The provision which may be made by an order under this section includes provision—
- (a) as to the date on which, or the time by which, a referendum must be held,
  - (b) as to the action which may, may not or must be taken by a local authority before or in connection with a referendum,
  - (c) as to the action which may, may not or must be taken by a local authority after a referendum,

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- (d) for or in connection with enabling the [<sup>F14</sup>Welsh Ministers], in the event of any failure by a local authority to take any action permitted or required by virtue of the order, to take that action.
- (3) The provision which may be made by virtue of subsection (2) includes provision which applies or reproduces (with or without modifications) any provisions of section 25, 27, 28, [<sup>F15</sup>29 or 33][<sup>F15</sup>or 29]<sup>F16</sup> ....
- (4) Nothing in subsection (2) or (3) affects the generality of the power under subsection (1).

#### Textual Amendments

- F13** Words in s. 36(1) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 53\(2\)](#); [S.I. 2012/57](#), art. 4(1)(c) (with arts. 6, 7, 9-11)
- F14** Words in s. 36(2)(d) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 53\(2\)](#); [S.I. 2012/57](#), art. 4(1)(c) (with arts. 6, 7, 9-11)
- F15** Words in s. 36(3) substituted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), [ss. 36\(1\)\(g\)](#), 178(2) (with s. 36(5)-(8))
- F16** Words in s. 36(3) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 53\(3\)](#), [Sch. 25 Pt. 4](#); [S.I. 2012/57](#), art. 4(1)(c)(ee)(i) (with arts. 6, 7, 9-11)

#### Commencement Information

- I3** S. 36 wholly in force at 1.11.2000; s. 36 not in force at Royal Assent see s. 108; s. 36 in force at 7.8.2000 in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\)](#), 2(a); s. 36 in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(2ZA) inserted by [2011 nawm 4 s. 59\(3\)](#)
- s. 21(13)(c) inserted by [2011 nawm 4 s. 59\(5\)\(b\)](#)
- s. 21(15A) inserted by [2011 nawm 4 s. 59\(6\)](#)
- s. 21(18) inserted by [2011 nawm 4 s. 59\(7\)](#)
- s. 21C(6)(aa)(ab) inserted by [2012 c. 7 Sch. 5 para. 97\(a\)](#)