
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact provisions in the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 (SI 2000/2852) (“the 2000 Regulations”).

The principal changes that are made to the 2000 Regulations are those necessitated by the Localism Act 2011 (“the 2011 Act”) and the removal of provisions in relation to directions. Schedule 2 to the 2011 Act inserted a new Part 1A into the Local Government Act 2000 (“the 2000 Act”), which applies to England only. Under Part 1A a local authority must operate either a mayor and cabinet executive, a leader and cabinet executive, the committee system, or arrangements prescribed by the Secretary of State.

These Regulations make provision in connection with the holding of a referendum on whether a local authority should change to a different form of governance where at least 5% of the local government electors in the authority’s area petition the authority.

Part 2 of the Regulations deals with petitions for referendums. Regulations 4 and 5 are relevant to the number that is to be used for determining whether a petition has the support of at least 5% of the authority’s electorate (“the verification number”), and make provision for publication of that number.

Subject to the exceptions for which regulation 7 provides, regulation 6(1) requires an authority to hold a referendum if the officer appointed for the purpose of verifying petitions is satisfied that a petition is valid. The authority are not required to hold a referendum where that officer is not satisfied as to the validity of a petition. Regulation 6(2) makes provision about the delivery of petitions.

Regulation 7 makes special provision where a petition is received after an authority have given notice of their intention to hold a referendum (“post-announcement petition”).

Regulation 8 provides for the amalgamation of petitions both by petition organisers before presentation of the petitions to the authority, and by the authority’s proper officer after the authority have received the petitions. Petitions may not be amalgamated once the verification number has been reached, nor where they do not propose the same constitutional change.

Regulations 9 and 10 deal with the validity and content of petitions (and petition organisers). In particular a petition must be signed by at least 5% of local government electors for the authority’s area.

There are provisions setting out the procedure to be followed by a local authority on receipt of petitions, public inspection of petitions, and publicity for valid and invalid petitions (regulations 11 to 14).

Regulation 15 imposes restrictions on the steps that may be taken, and the expenditure that may be incurred, by a local authority in connection with petitions.

Subject to certain exceptions, regulation 16 requires the holding of a referendum, following a valid petition, no later than the next ordinary day of election which follows the petition date.

Regulation 17 sets out steps which must be taken by an authority before holding a referendum and requires the authority to draw up proposals in relation to the proposed form of governance.

Part 3 deals with actions to be taken after the holding of a referendum under Part 2. Where the result of a referendum is to approve the referendum proposals, regulation 18 requires the authority to implement those proposals. Where the result of the referendum is to reject the proposals, regulation 19 requires them to continue to operate their existing form of governance.

Status: *This is the original version (as it was originally made).*

Regulation 20 in Part 4 enables the Secretary of State to take any action that an authority are permitted or required to take under any of Parts 2 or 3 if the authority fail to take that action.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.