
WELSH STATUTORY INSTRUMENTS

2008 No. 1848

**The Local Authorities (Conduct of
Referendums) (Wales) Regulations 2008**

Immediate consequences of referendum petitions

12.—(1) This regulation, apart from paragraph (8), applies where—

- (a) a referendum petition is presented on any of the grounds mentioned in regulation 11(1) (a) to (c), or
- (b) leave is granted to the presentation of a referendum petition brought under the ground mentioned in regulation 11(1)(d).

(2) Where this regulation applies—

- (a) in relation to a referendum—
 - (i) at which the statement and the question asked were in the form set out in paragraph 3 of Schedule 1, and
 - (ii) in which the majority of the votes cast are “yes” votes; and
- (b) before the local authority have passed a resolution under section 29,

the local authority must take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

(3) Where this regulation applies—

- (a) in relation to a referendum—
 - (i) at which the statement and the question asked were in the form set out in paragraph 3 of Schedule 1, and
 - (ii) in which the majority of the votes cast are “yes” votes, and
- (b) after the local authority have passed a resolution under section 29,

the local authority must continue to operate the executive arrangements that are the subject of that resolution.

(4) Where this regulation applies—

- (a) in relation to a referendum—
 - (i) at which the statement and the question asked were in the form set out in paragraph 1 or 2 of Schedule 1, and
 - (ii) in which the majority of the votes cast are “yes” votes; and
- (b) without an election for the return of an elected mayor having taken place in consequence of the referendum,

the local authority must take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

(5) Where this regulation applies—

- (a) in relation to a referendum in which the majority of the votes cast are “no” votes; and

- (b) the local authority's outline fall-back proposals are based on the executive or alternative arrangements which they were operating at the date of the referendum, they must continue to operate those arrangements.

(6) Where this regulation applies but paragraph (5) does not apply—

- (a) in relation to a referendum in which the majority of the votes cast are “no” votes, and
- (b) before the local authority have passed a resolution under section 29 (operation of, and publicity for, executive arrangements) or section 33 (operation of alternative arrangements),

the local authority must take no further steps in consequence of the referendum until the election court has certified its determination in the matter of the referendum petition.

(7) Where this regulation applies—

- (a) in relation to a referendum in which the majority of the votes cast are “no” votes, and
- (b) after the local authority have passed a resolution under section 29 or 33,

the local authority must continue to operate the executive arrangements or the alternative arrangements (as the case may be) that are the subject of that resolution.

(8) Where leave is granted to the presentation of a referendum petition brought under the ground mentioned in regulation 11(1)(d)—

- (a) in relation to a referendum—
 - (i) at which the statement and the question asked were in the form set out in paragraph 1 or 2 of Schedule 1, and
 - (ii) in which the majority of the votes cast are “yes” votes; and
- (b) after an election for the return of an elected mayor has taken place in consequence of the referendum,

the elected mayor is to continue in office.

Changes to legislation:

There are currently no known outstanding effects for the The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008, Section 12.