



# Local Government Act 2000

## 2000 CHAPTER 22

### PART II

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

*Provisions with respect to referendums*

**[<sup>F1</sup>45 Provisions with respect to referendums.**

- (1) A local [<sup>F2</sup>authority] may not hold more than one referendum in any period of five years.
- (2) If the result of a referendum held by virtue of regulations or an order made under any provision of this Part is to approve the proposals to which the referendum relates, the local authority concerned must implement those proposals in accordance with any provision made by the regulations or order.
- (3) If the result of a referendum held by virtue of regulations or an order made under any provision of this Part is to reject the proposals to which the referendum relates, the local authority concerned may not implement those proposals but must instead comply with any provision made by the regulations or order.
- (4) The persons entitled to vote in a referendum held by a local authority are those who on the day of the referendum—
  - (a) would be entitled to vote as electors at an election of councillors for an electoral area which is situated within the authority's area, and
  - (b) are registered in the register of local government electors at an address within the authority's area.
- (5) The [<sup>F3</sup>Welsh Ministers] may by regulations make provision as to the conduct of referendums.
- (6) The [<sup>F4</sup>Welsh Ministers] may by regulations make provision for the combination of polls at referendums with polls at any elections.

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- (7) Regulations under subsection (5) or (6) may apply or incorporate, with or without modifications or exceptions, any provision of any enactment (whenever passed or made) relating to elections or referendums.
- (8) The provision which may be made under subsection (5) includes, in particular, provision—
- (a) as to the question to be asked in a referendum,
  - (b) as to the publicity to be given in connection with a referendum (including the publicity to be given with respect to the consequences of the referendum),
  - (c) about the limitation of expenditure in connection with a referendum (and the creation of criminal offences in connection with the limitation of such expenditure),
  - (d) as to the conduct of the authority, members of the authority and officers of the authority in relation to a referendum,
  - (e) as to when, where and how voting in a referendum is to take place,
  - (f) as to how the votes cast in a referendum are to be counted, and
  - (g) for disregarding alterations in a register of electors.
- <sup>F5</sup>[(8A) Before making any regulations under this section, the [<sup>F6</sup>Welsh Ministers] shall consult the Electoral Commission, but this subsection does not apply to—
- (a) provisions which specify the wording of the question to be asked in a referendum, or
  - (b) provisions for matters mentioned in subsection (8)(c).
- (8B) No regulations which specify the wording of the question to be asked in a referendum may be made under subsection (5) unless—
- (a) before laying a draft of the regulations before [<sup>F7</sup>the National Assembly for Wales], the [<sup>F8</sup>Welsh Ministers] consulted the Electoral Commission as to the intelligibility of that question, and
  - (b) when so laying the draft, the [<sup>F9</sup>Welsh Ministers] also laid before [<sup>F10</sup>the National Assembly for Wales] a report stating any views as to the intelligibility of that question which were expressed by the Electoral Commission in response to that consultation.
- (8C) Where any such regulations specify not only the question to be asked in a referendum but also any statement which is to precede that question on the ballot paper at the referendum, any reference in subsection (8B) to the intelligibility of that question is to be read as a reference to the intelligibility of that question and that statement taken together.
- (8D) No regulations which make provision for the matters mentioned in subsection (8)(c) may be made under subsection (5) unless—
- (a) before laying a draft of the regulations before [<sup>F11</sup>the National Assembly for Wales], the [<sup>F12</sup>Welsh Ministers] sought, and had regard to, the views of the Electoral Commission as to the provision to be made by the regulations as to those matters, and
  - (b) where the draft regulations laid before [<sup>F13</sup>the National Assembly for Wales] made provision as to those matters otherwise than in accordance with the views of the Electoral Commission, the [<sup>F14</sup>Welsh Ministers], when so laying the draft, also laid before [<sup>F15</sup>the Assembly] a statement of [<sup>F16</sup>their] reasons for departing from the views of the Commission.]

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(9) In subsections (1), (4) to (6) and (8) [F17 to (8C)] “referendum” means a referendum held under section 27 F18 ... or by virtue of regulations or an order made under any provision of this Part F19 or under section 40 of the Local Government (Wales) Measure 2011.]

### Textual Amendments

- F1** S. 45(1) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 69\(2\)](#), [245\(2\)](#) (with [s. 69\(4\)](#))
- F2** Word in s. 45(1) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(2\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F3** Words in s. 45(5) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(3\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F4** Words in s. 45(6) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(3\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F5** S. 45(8A)-(8D) inserted (1.7.2001) by [2000 c. 41](#), [s. 158\(1\)](#), [Sch. 21 para. 18\(3\)](#) (with [s. 156\(6\)](#)); [S.I. 2001/222](#), [art. 4](#), [Sch. 2 Pt. I](#) (Sch. 2 Pt. II para. 2)
- F6** Words in s. 45(8A) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(3\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F7** Words in s. 45(8B)(a) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(4\)\(a\)\(i\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F8** Words in s. 45(8B)(a) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(4\)\(a\)\(ii\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F9** Words in s. 45(8B)(b) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(4\)\(b\)\(i\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F10** Words in s. 45(8B)(b) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(4\)\(b\)\(ii\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F11** Words in s. 45(8D)(a) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(5\)\(a\)\(i\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F12** Words in s. 45(8D)(a) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(5\)\(a\)\(ii\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F13** Words in s. 45(8D)(b) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(5\)\(b\)\(i\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F14** Words in s. 45(8D)(b) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(5\)\(b\)\(ii\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F15** Words in s. 45(8D)(b) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(5\)\(b\)\(iii\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F16** Word in s. 45(8D)(b) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(5\)\(b\)\(iv\)](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)](#) (with [arts. 6, 7, 9-11](#))
- F17** Words in s. 45(9) inserted (1.7.2001) by [2000 c. 41](#), [s. 158\(1\)](#), [Sch. 21 para. 18\(4\)](#) (with [s. 156\(6\)](#)); [S.I. 2001/222](#), [art. 4](#), [Sch. 2 Pt. I](#) (Sch. 2 Pt. II para. 2)
- F18** Words in s. 45(9) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [s. 240\(2\)](#), [Sch. 3 para. 66\(6\)](#), [Sch. 25 Pt. 4](#); [S.I. 2012/57](#), [art. 4\(1\)\(c\)\(ee\)\(i\)](#) (with [arts. 6, 7, 9-11](#))
- F19** Words in s. 45(9) inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), [ss. 54\(4\)](#), [178\(2\)](#)

### Modifications etc. (not altering text)

- C1** S. 45 functions made exercisable concurrently (18.8.2010) by [The Lord President of the Council Order 2010 \(S.I. 2010/1837\)](#), [arts. 1\(2\)](#), [3](#)
- C2** S. 45 applied (with modifications) (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), [s. 178\(2\)](#), [Sch. 1 para. 4\(3\)](#)

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#### Commencement Information

- II** S. 45 wholly in force at 28.7.2001; s. 45 not in force at Royal Assent see s. 108; s. 45 in force at 7.8.2000 in so far as it confers power to make an order or regulations, give directions, or issue guidance in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\), 2\(b\)](#); s. 45(5)-(9) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#); s. 45 in force at 19.2.2001 in relation to England only except in so far as not already in force by [S.I. 2001/415](#), [arts. 1\(3\), 2\(a\)](#); s. 45 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

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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\(a\)](#)