



EXPLANATORY NOTES

Local Government (Religious Etc. Observances) Act 2015

Chapter 27

£6.00

LOCAL GOVERNMENT (RELIGIOUS ETC. OBSERVANCES) ACT 2015

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Local Government (Religious etc. Observances) Act 2015 which received Royal Assent on 26 March 2015. They have been prepared by the Department for Communities and Local Government in order to assist the reader in understanding of the Act. They do not form part of the Act and have not been endorsed by Parliament.
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

BACKGROUND AND SUMMARY

Background

3. The background to this Act is the High Court decision in *R oao National Secular Society and Bone v Bideford Town Council* [2012] EWHC 175 (Admin) where the Court found that the saying of prayers as part of the formal meeting of a council was not lawful under section 111 of the Local Government Act 1972, and there is no statutory power permitting the practice to continue.
4. Shortly after the High Court's judgement the Government brought into force the general power of competence under section 1 of the Localism Act 2011. This power gives principal local authorities in England (county, district and London borough councils, the Common Council of the City of London, the Council of the Isles of Scilly) and some parish councils the freedom to continue to have prayers as part of formal meetings of the authority. However, smaller parish councils do not have this power and neither do a range of single-purpose authorities such as fire and rescue authorities, and integrated transport authorities.
5. The Local Government (Religious etc. Observances) Act 2015 applies to a wide range of local authorities (including those that already have the benefit of the general power of competence): see section 2. As well as providing a clear statement that Parliament considers this to be an important issue it will put beyond any doubt the legal position about the use of the general power of competence without the need for litigation on its scope.

Summary

6. The effect of the Local Government (Religious etc. Observances) Act 2015 is to give local authorities in England, and a range of other authorities in England such as fire and rescue authorities, integrated transport authorities and combined authorities, the power to include prayers etc. as an item of business should they wish to do so, and to support, facilitate, or be represented at religious or similar events. In particular this will ensure that (i) small parish councils which do not have the power of general competence can take time for prayers at their meetings, and (ii) authorities in England can support activities, such as the annual commemoration on Remembrance Sunday, which have a religious dimension.
7. The main provisions insert three new sections into Part 7 of the Local Government Act 1972.

TERRITORIAL EXTENT AND APPLICATION

8. The Local Government (Religious etc. Observances) Act 2015 extends to England and Wales; it makes provision in relation to local and other authorities in England.

COMMENTARY ON SECTIONS

9. Section 1 inserts a new section 138A (prayers and other observances) and a new section 138B (involvement with religious events and events connected with a belief) in Part 7 of the Local Government Act 1972.
10. New section 138A provides that the business at a meeting of a local authority in England may include time for prayers or other religious observance or observance connected with a religious or philosophical belief. These provisions are applied by *subsection (2)* of the new section 138A to meetings of a committee of a local authority in England, a joint committee of two or more such authorities, or a sub-committee of such a committee or joint committee. *Subsection (3)* provides that the provisions of this new section 138A do not limit other powers.
11. *Subsection (1)* of the new section 138B provides that a local authority in England may support or facilitate, or make arrangements to be represented at, a religious event, an event with a religious element, an event connected with a religious or philosophical belief or an event with an element connected with such a belief. *Subsection (3)* provides that any powers of a local authority in England (other than those under subsection (1)) may be exercised for the purpose of supporting or facilitating any of the events mentioned in subsection (1) or for purposes that include that purpose.
12. Section 2 inserts a new section 138C (application of sections 138A and 138B to other authorities) in Part 7 of the Local Government Act 1972. The new section 138C provides that certain public bodies, subject (in some cases) to certain limitations, are to be treated as a local authority for the purposes of sections 138A and 138B. Accordingly, at meetings of these bodies the business may include time for prayers or other religious observance or observance connected with a religious or philosophical belief. Similarly, these bodies may support or facilitate, or make arrangements to be represented at a religious event, an event with a religious element, an event connected

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which received Royal Assent on 26 March 2015*

with a religious or philosophical belief or an event with an element connected with such a belief.

COMMENCEMENT

13. The Act provides that its provisions come into force at the end of two months beginning with the day on which it is passed, i.e. at the end of 25 May 2015.

HANSARD REFERENCES

14. The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard reference
House of Commons		
Introduction	2 July 2014	Vol. 583 Col. 898
Second Reading	21 November 2014	Vol. 588 Col. 614
Money Resolution	16 December 2014	Vol. 589 Col. 1373
Committee	6 January 2015	Hansard Public Bill Committee
Report and Third Reading	16 January 2015	Vol. 590 Col. 1127
House of Lords		
Introduction	19 January 2015	Vol. 758 Col. 1081
Second Reading	27 February 2015	Vol. 759 Col. 1912
Committee	13 March 2015	Vol. 760 Col. 837
Report	18 March 2015	Vol. 760 Col. 1069
Third reading	25 March 2015	Vol. 760 Col. 1424
Royal Assent	26 March 2015	House of Lords Vol. 760 Col. 1590 House of Commons Vol. 594 Col. 1682

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