

2001 No. 1310

LOCAL GOVERNMENT (ENGLAND)

The Local Authorities (Referendums) (Petitions and Directions) (England) (Amendment) (No. 2) Regulations 2001

<i>Made - - - - -</i>	<i>2nd April 2001</i>
<i>Laid before Parliament</i>	<i>2nd April 2001</i>
<i>Coming into force - -</i>	<i>23rd April 2001</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred upon him by sections 34, 35 and 105(2) of the Local Government Act 2000(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Local Authorities (Referendums) (Petitions and Directions) (England) (Amendment) (No. 2) Regulations 2001 and shall come into force on 23rd April 2001.

(2) These Regulations extend to England only.

Amendment of Regulations

2. The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000(b) are amended in accordance with the following provisions of these Regulations.

General interpretation

3. In regulation 2(1) (general interpretation), at the end of the definition of “outline fall-back proposals”, there shall be inserted “and”, and the following definition—

““the Referendums Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2001”(c).

Timing of referendum

4. In regulation 16 (timing of referendum)—

(a) in paragraph (1), for “paragraphs (2) and (3)”, there shall be substituted “paragraphs (2) to (3);

(b) after paragraph (2), the following paragraphs shall be inserted—

“(2A) Where, by virtue of paragraph (5) of regulation 14 (combination of polls) of the Referendums Regulations, the poll at a referendum is not taken together with the poll at

(a) 2000 c. 22.
(b) S.I. 2000/2852, amended by S.I. 2001/760.
(c) S.I. 2001/1298

an election, the referendum may be held within the period of 7 days beginning with the twenty-ninth day after the day on which the poll is taken at the election with which, but for that paragraph, the poll at the referendum would have been taken.

(2B) Paragraph (1) above shall not apply where—

- (a) the day on which the poll at an election of a description mentioned in paragraph (2) of regulation 14 of the Referendums Regulations is taken falls within the period beginning with the day that is six months after the petition date and ending with the day that is seven months after that date; and
- (b) by virtue of paragraph (1) of regulation 14 of those Regulations, the poll at the referendum is taken together with the poll at the election.”; and
- (c) after paragraph (3), the following paragraph shall be added—

“(4) A referendum under this Part may not be held on—

 - (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England, or
 - (c) any day appointed as a day of public thanksgiving or mourning.”(a).

Time for holding referendum required by direction

5. In regulation 21 (time for holding referendum required by direction), after paragraph (2), the following paragraphs shall be inserted—

“(2A) Where, by virtue of paragraph (5) of regulation 14 (combination of polls) of the Referendums Regulations, the poll at a referendum is not taken together with the poll at an election, the referendum may be held within the period of 7 days beginning with the twenty-ninth day after the day on which the poll is taken at the election with which, but for that paragraph, the poll at the referendum would have been taken.

(2B) Paragraph (1) above shall not apply where—

- (a) the day on which the poll at an election of a description mentioned in paragraph (2) of regulation 14 of the Referendums Regulations is taken falls within the period beginning with the day that is six months after the date on which the direction was given and ending with the day that is seven months after that date; and
 - (b) by virtue of paragraph (1) of regulation 14 of those Regulations, the poll at the referendum is taken together with the poll at the election.
- (2C) A referendum under this Part may not be held on—
- (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England, or
 - (c) any day appointed as a day of public thanksgiving or mourning.”.

Signed by authority of the Secretary of State
for the Environment, Transport and the Regions

Hilary Armstrong
Minister of State,
Department of the Environment,
Transport and the Regions

2nd April 2001

(a) 1971 c. 80.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 (“the principal Regulations”), which relate to referendums as to the form of executive that should be adopted by local authorities under executive arrangements under the Local Government Act 2000 (“the 2000 Act”), where such referendums are required to be held following receipt of a valid petition, or by direction of the Secretary of State.

The amendment made by regulation 3 relates to the interpretation of the amendments made by regulations 4 and 5.

The amendments made by regulation 4 are associated with provisions of regulation 14 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (“the Referendums Regulations”), which specify circumstances in which polls at referendums may, and may not, be taken together with polls at elections of specified descriptions, or with polls at other referendums.

The effect of the amendments to regulation 16 of the principal Regulations made by regulation 4(a) and (b) of these Regulations is to introduce further exceptions to the requirement that a referendum must be held within six months of the “petition date” (defined in regulation 3 of the principal Regulations).

The first new exception arises where, in reliance on regulation 14(5) of the Referendums Regulations, which relates to elections falling between 5 and 6 months after the petition date, the poll at a referendum is not taken together with the poll at an election. In that case, the referendum may be held within the period of 7 days beginning with the 29th day after the day on which the poll is taken at the election with which, but for regulation 14(1), the poll at the referendum would have been taken.

The second new exception arises where the day on which the poll at an election of a description mentioned in regulation 14(2) of the Referendums Regulations is taken falls within the period between 6 and 7 months after the petition date.

The effect of the amendment to regulation 16 of the principal Regulations made by regulation 4(c) is to prevent the holding of a referendum under Part II of those Regulations on a Saturday or a Sunday, on Christmas Eve, Christmas Day, Maundy Thursday or Good Friday or on a day which is a bank holiday in England under the Banking and Financial Dealings Act 1971, or on a day appointed for public thanksgiving or mourning.

Regulation 5 makes similar amendments to regulation 21 of the principal Regulations.

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Directions) (England) (Amendment) (No. 2)
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