

# Local Government (Religious etc. Observances) Bill

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Communities and Local Government with the consent of Jake Berry, the Member in charge of the Bill, are published separately as Bill 25 – EN.

# Local Government (Religious etc. Observances) Bill

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**B I L L**

TO

Make provision about the inclusion at local authority meetings of observances that are, and about powers of local authorities in relation to events that to any extent are, religious or related to a religious or philosophical belief.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Powers of councils**

In Part 7 of the Local Government Act 1972 (miscellaneous powers of local authorities) after section 138 insert—

**“138A Prayers and other observances**

- (1) The business at a meeting of a local authority in England may include time for — 5
- (a) prayers or other religious observance, or
  - (b) observance connected with a religious or philosophical belief.
- (2) Subsection (1) also applies in relation to meetings of — 10
- (a) a committee of a local authority in England,
  - (b) a joint committee of two or more such authorities, whether appointed or established under Part 6 of this Act or any other enactment, or
  - (c) a sub-committee of such a committee or joint committee.
- (3) Subsections (1) and (2) do not limit other powers. 15

**138B Involvement with religious events and events connected with a belief**

- (1) *A local authority in England may support or facilitate, or make arrangements to be represented at, any of the following —*
- (a) *a religious event,*
  - (b) *an event with a religious element,* 20
  - (c) *an event connected with a religious or philosophical belief, or*
  - (d) *an event with an element connected with such a belief.*

- (2) Subsection (1) does not limit other powers.
- (3) *Any powers of a local authority in England that are given otherwise than under subsection (1) may be exercised –*
- (a) *for the purpose of supporting or facilitating any event mentioned in subsection (1), or* 5
  - (b) *for purposes that include that purpose.*
- (4) Subsection (3) does not limit the generality of those powers.”

## 2 Powers of other local authorities

- (1) In the Local Government Act 1972 after section 138B (which is inserted by section 1 of this Act) insert – 10

### “138C Application of sections 138A and 138B to other authorities

- (1) Each of the following is (subject to the limitations set out) to be treated as a local authority for the purposes of sections 138A and 138B –
- (a) the London Assembly, but only for the purposes of section 138A; 15
  - (b) the Greater London Authority, but only for the purposes of section 138B;
  - (c) the Mayor’s Office for Policing and Crime, but only for the purposes of section 138B;
  - (d) the London Fire and Emergency Planning Authority; 20
  - (e) Transport for London;
  - (f) a Mayoral development corporation;
  - (g) the Common Council in its capacity as a local authority or police authority or port health authority, but only for the purposes of section 138B(3); 25
  - (h) the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple, in that person’s capacity as a local authority, but only for the purposes of section 138B(3);
  - (i) the Council of the Isles of Scilly;
  - (j) a parish meeting; 30
  - (k) charter trustees constituted –
    - (i) under section 246,
    - (ii) by the Charter Trustees Regulations 1996 (S.I. 1996/263), or
    - (iii) under Part 1 of the Local Government and Public Involvement in Health Act 2007; 35
  - (l) a joint authority;
  - (m) an economic prosperity board;
  - (n) a combined authority;
  - (o) a joint waste authority; 40
  - (p) a fire and rescue authority constituted by a scheme –
    - (i) under section 2 of the Fire and Rescue Services Act 2004, or
    - (ii) to which section 4 of that Act applies;
  - (q) the Passenger Transport Executive of an integrated transport area in England; 45

- (r) an executive body established, in relation to an Integrated Transport Authority, by virtue of section 79(1)(a) or 84(2)(d) of the Local Transport Act 2008;
- (s) a joint committee constituted to be a local planning authority by an order under section 29 of the Planning and Compulsory Purchase Act 2004; 5
- (t) a joint board continued in existence by section 263(1);
- (u) a joint board constituted a port health authority under section 2(4)(b) of the Public Health (Control of Disease) Act 1984;
- (v) a riparian authority within section 2(2)(b) of the Public Health (Control of Disease) Act 1984 (conservators or commissioners etc) in its capacity as a port health authority, but only for the purposes of section 138B(3); 10
- (w) an internal drainage board for a district neither wholly nor partly in Wales; 15
- (x) a police and crime commissioner, but only for the purposes of section 138B;
- (y) a police and crime panel established and maintained in accordance with Part 2 or 3 of Schedule 6 to the Police Reform and Social Responsibility Act 2011, but only for the purposes of section 138B. 20
- (2) Section 138A(2)(a), (b) and (c) apply –
- (a) as if a police and crime panel established and maintained in accordance with Part 3 of Schedule 6 to the Police Reform and Social Responsibility Act 2011 were a joint committee of the kind mentioned in section 138A(2)(b), 25
- (b) as if a committee of a police and crime panel established and maintained in accordance with Part 2 or 3 of that Schedule, and any sub-committee of such a committee, were a sub-committee of the panel, 30
- (c) as if a sub-committee of a joint committee constituted to be a local planning authority by an order under section 29 of the Planning and Compulsory Purchase Act 2004 were a committee of that joint committee, and
- (d) as if a committee appointed as mentioned in section 35(3) of the Localism Act 2011 (standards committee of the Greater London Authority) were a joint committee of the kind mentioned in section 138A(2)(b). 35
- (3) Section 138B applies in relation to the Greater London Authority as follows – 40
- (a) the powers conferred on the Authority by section 138B(1) are exercisable on behalf of the Authority by the Mayor of London, or by the London Assembly, or by the Mayor and Assembly acting jointly, and
- (b) section 138B(3), so far as it refers to powers of the Authority, refers to powers of the Authority whether exercisable by the Mayor, by the Assembly or by the Mayor and Assembly acting jointly. 45
- (4) *The Common Council may make payments out of the City fund for the purpose of supporting or facilitating, or making arrangements for the Corporation of the City to be represented at, any event mentioned in section 138B(1).* 50

- (5) The Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple may, out of funds derived from any precept issued under Part 1 of the Local Government Finance Act 1992, make payments for the purpose of supporting or facilitating, or making arrangements for the Temple concerned to be represented at, any event mentioned in section 138B(1). 5
- (6) Subsections (4) and (5) do not limit other powers.
- (7) An internal drainage board for a district partly but not wholly in Wales is to be treated as a local authority in England – 10
- (a) for the purposes of section 138A, but only in relation to meetings held otherwise than in Wales, and
- (b) *for the purposes of section 138B*, but only in relation to events that are to take place otherwise than in Wales.”
- (2) In section 265A(1)(f) of the Local Government Act 1972 (application of provisions of Part 7 to the Broads Authority) after “136,” insert “138A, 138B,”. 15
- (3) In paragraph 3 of Schedule 8 to the Environment Act 1995 (powers of National Park authorities) after sub-paragraph (1) insert –
- “(1A) Sections 138A *and* 138B of the 1972 Act (powers in connection with belief-related observances) have effect as if a National Park authority were a local authority for the purposes of those sections.” 20

### 3 Short title, commencement and extent

- (1) This Act may be cited as the Local Government (Religious etc. Observances) Act 2015.
- (2) This Act comes into force at the end of two months beginning with the day on which it is passed. 25
- (3) This Act extends to England and Wales only.

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## B I L L

To make provision about the inclusion at local authority meetings of observances that are, and about powers of local authorities in relation to events that to any extent are, religious or related to a religious or philosophical belief.

*Jake Berry  
supported by  
Mr Stewart Jackson, Mr Ben Wallace and Fiona Bruce.*

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to be Printed, 2 July 2014.*

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