

Principal Local Authorities (Grounds for Abolition) Bill

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TO

Prohibit principal local authorities being abolished in the absence of the authority of its elected councillors and a local referendum; and for connected purposes.

BE 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 Grounds for abolition of a principal local authority

- (1) No principal local authority in England shall be abolished unless—
- (a) a majority of its elected councillors have so decided, and
 - (b) the decision in subsection (a) follows a referendum in the local authority area, in which more votes are cast by electors in support of such abolition than against it. 5
- (2) In this Act “principal local authority” has the same meaning as in section 69(3) of the Local Democracy, Economic Development and Construction Act 2009.

2 Voting in and conduct of referendums

- (1) Any referendum held under this Act shall be held on a date to be decided by that principal local authority. 10
- (2) The persons entitled to vote in a referendum held by a local authority under this Act are those who on the day of the referendum—
- (a) would be entitled to vote as electors at an election of members for an electoral area which is situated within the authority’s area, and 15
 - (b) are registered in the register of local government electors at an address within the authority’s area.
- (3) The Secretary of State may by regulations make provision as to the conduct of referendums under this Act.
- (4) Regulations under this section may apply or incorporate, with or without modifications or exceptions, any provision of any enactment (whenever passed or made) relating to elections or referendums. 20

- (5) The provision which may be made under this section 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); 5
 - (c) about the limitation of expenditure in connection with a referendum (and the creation of criminal offences in connection with the limitations 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; 10
 - (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;
 - (g) for disregarding alterations in a register of electors;
 - (h) for the questioning of the result of a referendum by a court or tribunal. 15
- (6) But where the regulations apply or incorporate (with or without modifications) any provision that creates an offence, the regulations may not impose a penalty greater than is provided for in respect of that offence.
- (7) Before making any regulations under this section, the Secretary of State must consult the Electoral Commission. 20
- (8) No regulations under this section are to be made unless a draft of the regulations has been laid before and approved by resolution of each House of Parliament.
- (9) In this section “enactment” includes an enactment contained in a local Act or comprised in subordinate legislation (within the meaning of the Interpretation Act 1978). 25

3 Extent, commencement and short title

- (1) This Act extends to England and Wales.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Principal Local Authorities (Grounds for Abolition) Bill 2018. 30

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To prohibit principal local authorities being abolished in the absence of the authority of its elected councillors and a local referendum; and for connected purposes.

*Presented by Mr Christopher Chope,
supported by Mr Peter Bone,
Mr William Wragg,
Philip Davies,
and Sir Edward Leigh.*

*Ordered, by The House of Commons,
to be Printed, 5 September 2017.*

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