

Local Referendums Bill

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TO

Make provision about binding local referendums; 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 Local referendums

- (1) When a local authority receives a relevant petition relating to—
- (a) a proposal of or a decision by the local authority on—
 - (i) services provided in pursuance of the local authority’s functions, 5
 - (ii) the authority’s expenditure on such services, or
 - (iii) the authority’s power under section 2 of the Local Government Act 2000 (authority’s power to promote well-being of its area); or
 - (b) any other matter relating to the responsibilities of the local authority, 10
the local authority must, in the case of a petition relating to paragraph (a), hold a referendum on its proposal or decision before taking any steps to implement that proposal or decision, or in the case of a petition relating to paragraph (b), hold a referendum on that matter.
- (2) The question to be asked in a referendum is to be decided by the local authority’s electoral registration officer, subject to subsection (3) and subsection (4). 15
- (3) Before deciding the question under subsection (2) the electoral registration officer must consult the petition organiser and try to reach agreement.
- (4) Should the electoral registration officer and the petition organiser not reach agreement the question to be asked in the referendum shall be decided by the Electoral Commission. 20
- (5) In this section “petition organiser” means the same as in section 22 of the Local Democracy, Economic Development and Construction Act 2009.
- (6) In order to be a relevant petition a petition must— 25

- (a) have been signed by at least 10% of the local government electors residing within that local authority's area; and
- (b) be received by the local authority before the end of the six month period beginning with the date on which a notice of intent to petition is received by the local authority's electoral registration officer.

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2 Action to be taken following a local referendum

- (1) If the result of a referendum held under section 1(1)(a) is to approve the proposal or decision, the local authority must implement that proposal or decision, subject to exceptions set out in regulations made by the Secretary of State by statutory instrument. 10
- (2) If the result of a referendum held under section 1(1)(a) is not to approve the proposal or decision, the local authority may not implement that proposal or decision, subject to exceptions set out in regulations made by the Secretary of State by statutory instrument.
- (3) The outcome of a referendum under section 1(1)(b) shall be binding on the local authority, subject to exceptions set out in regulations made by the Secretary of State by statutory instrument. 15
- (4) Regulations must be laid before Parliament under this section before the end of 6 months beginning with the day on which this Act is passed.

3 Rules

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- (1) The giving of notice of intent to petition for a referendum, submission of a petition and the referendum must be conducted in accordance with rules made by the Secretary of State in regulations made by statutory instrument.
- (2) Regulations must be laid before Parliament under this section before the end of 6 months beginning with the day on which this Act is passed. 25

4 Regulations

A statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.

5 Financial provisions

There shall be paid out of money provided by Parliament –

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- (a) *any sums to be paid by the Secretary of State for or in connection with the carrying out of his functions under this Act; and*
- (b) *any increase attributable to this Act in the sums which are payable out of money so provided under any other Act.*

6 Interpretation

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In this Act, "local authority" means –

- (a) in relation to England –
 - (i) a county council;
 - (ii) a district council;
 - (iii) a London borough council;

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-
- (iv) the Greater London Authority;
 - (v) the Common Council of the City of London in its capacity as a local authority;
 - (vi) the Council of the Isles of Scilly; and
- (b) in relation to Wales, a county council or a county borough council, 5

7 Short title, commencement and extent

- (1) This Act may be cited as the Local Referendums Act 2011.
- (2) Section 1 of this Act comes into force at the end of the period of 18 months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales. 10

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To make provision about binding local referendums; and for connected purposes.

Presented by Zac Goldsmith.

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to be Printed, 26 July 2010.*

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