



Local Government Act 2000

2000 CHAPTER 22

PART II

ARRANGEMENTS WITH RESPECT TO EXECUTIVES ETC.

Provisions with respect to referendums

45 Provisions with respect to referendums.

- [^{F1}(1) A local authority—
- (a) in England may not hold more than one referendum in any period of ten years;
 - (b) in Wales may not hold more than one referendum in any period of five years.]
- (2) If the result of a referendum held by virtue of regulations or an order made under any provision of this Part is to approve the proposals to which the referendum relates, the local authority concerned must implement those proposals in accordance with any provision made by the regulations or order.
- (3) If the result of a referendum held by virtue of regulations or an order made under any provision of this Part is to reject the proposals to which the referendum relates, the local authority concerned may not implement those proposals but must instead comply with any provision made by the regulations or order.
- (4) The persons entitled to vote in a referendum held by a local authority are those who on the day of the referendum—
- (a) would be entitled to vote as electors at an election of councillors for an electoral area which is situated within the authority's area, and
 - (b) are registered in the register of local government electors at an address within the authority's area.
- (5) The Secretary of State may by regulations make provision as to the conduct of referendums.
- (6) The Secretary of State may by regulations make provision for the combination of polls at referendums with polls at any elections.

Status: Point in time view as at 10/07/2011. This version of this provision has been superseded.

Changes to legislation: Local Government Act 2000, Section 45 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (7) Regulations under subsection (5) or (6) may apply or incorporate, with or without modifications or exceptions, any provision of any enactment (whenever passed or made) relating to elections or referendums.
- (8) The provision which may be made under subsection (5) 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),
 - (c) about the limitation of expenditure in connection with a referendum (and the creation of criminal offences in connection with the limitation 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,
 - (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, and
 - (g) for disregarding alterations in a register of electors.
- ^{F2}[(8A) Before making any regulations under this section, the Secretary of State shall consult the Electoral Commission, but this subsection does not apply to—
- (a) provisions which specify the wording of the question to be asked in a referendum, or
 - (b) provisions for matters mentioned in subsection (8)(c).
- (8B) No regulations which specify the wording of the question to be asked in a referendum may be made under subsection (5) unless—
- (a) before laying a draft of the regulations before Parliament in accordance with section 105(6), the Secretary of State consulted the Electoral Commission as to the intelligibility of that question, and
 - (b) when so laying the draft, the Secretary of State also laid before each House a report stating any views as to the intelligibility of that question which were expressed by the Electoral Commission in response to that consultation.
- (8C) Where any such regulations specify not only the question to be asked in a referendum but also any statement which is to precede that question on the ballot paper at the referendum, any reference in subsection (8B) to the intelligibility of that question is to be read as a reference to the intelligibility of that question and that statement taken together.
- (8D) No regulations which make provision for the matters mentioned in subsection (8)(c) may be made under subsection (5) unless—
- (a) before laying a draft of the regulations before Parliament in accordance with section 105(6), the Secretary of State sought, and had regard to, the views of the Electoral Commission as to the provision to be made by the regulations as to those matters, and
 - (b) where the draft regulations laid before Parliament made provision as to those matters otherwise than in accordance with the views of the Electoral Commission, the Secretary of State, when so laying the draft, also laid before each House a statement of his reasons for departing from the views of the Commission.]

Status: Point in time view as at 10/07/2011. This version of this provision has been superseded.

Changes to legislation: Local Government Act 2000, Section 45 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (9) In subsections (1), (4) to (6) and (8) [^{F3}to (8C)]“referendum” means a referendum held under section 27 [^{F4}or 33K] or by virtue of regulations or an order made under any provision of this Part [^{F5}or under section 40 of the Local Government (Wales) Measure 2011].

Textual Amendments

- F1** S. 45(1) substituted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 69\(2\)](#), [245\(2\)](#) (with [s. 69\(4\)](#))
- F2** S. 45(8A)-(8D) inserted (1.7.2001) by [2000 c. 41](#), [s. 158\(1\)](#), [Sch. 21 para. 18\(3\)](#) (with [s. 156\(6\)](#)); [S.I. 2001/222](#), [art. 4](#), [Sch. 2 Pt. I](#) (Sch. 2 Pt. II para. 2)
- F3** Words in s. 45(9) inserted (1.7.2001) by [2000 c. 41](#), [s. 158\(1\)](#), [Sch. 21 para. 18\(4\)](#) (with [s. 156\(6\)](#)); [S.I. 2001/222](#), [art. 4](#), [Sch. 2 Pt. I](#) (Sch. 2 Pt. II para. 2)
- F4** Words in s. 45(9) inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 69\(3\)](#), [245\(2\)](#) (with [s. 69\(4\)](#))
- F5** Words in s. 45(9) inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), [ss. 54\(4\)](#), [178\(2\)](#)

Modifications etc. (not altering text)

- C1** S. 45 functions made exercisable concurrently (18.8.2010) by [The Lord President of the Council Order 2010 \(S.I. 2010/1837\)](#), [arts. 1\(2\)](#), [3](#)
- C2** S. 45 applied (with modifications) (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), [s. 178\(2\)](#), [Sch. 1 para. 4\(3\)](#)

Commencement Information

- I1** S. 45 wholly in force at 28.7.2001; s. 45 not in force at Royal Assent see [s. 108](#); s. 45 in force at 7.8.2000 in so far as it confers power to make an order or regulations, give directions, or issue guidance in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\)](#), [2\(b\)](#); s. 45(5)-(9) in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#); s. 45 in force at 19.2.2001 in relation to England only except in so far as not already in force by [S.I. 2001/415](#), [arts. 1\(3\)](#), [2\(a\)](#); s. 45 in force at 28.7.2001 in so far as not already in force see [s. 108\(4\)-\(6\)](#)

Status:

Point in time view as at 10/07/2011. This version of this provision has been superseded.

Changes to legislation:

Local Government Act 2000, Section 45 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.