
EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Regional Assemblies (Preparations) Act 2003 provides for the holding of a referendum in a region about the establishment of an elected assembly for that region (“a Regional Assembly referendum”), and on the same date holding referendums in the parts of the region that have both county and district councils, about the reorganisation of those local authorities into a single tier of local government (“a local government referendum”).

Part 7 of the Political Parties, Elections and Referendums Act 2000 makes provision for the conduct of referendums within the United Kingdom, including Regional Assembly referendums, but does not apply to local government referendums.

This Order, made under both section 129 of the Political Parties, Elections and Referendums Act 2000 and under sections 2 and 7 of the Regional Assemblies (Preparations) Act 2003, prescribes the procedure to be followed for the conduct of a Regional Assembly referendum and, in those areas where the polls at a Regional Assembly referendum and local government referendum are held on the same date, for the conduct of those referendums as combined polls.

The provisions of the Order are based on corresponding provisions applicable in parliamentary and local government elections, modified to take account of differences such as the absence of candidates and that the Regional Assembly referendums and local government referendums are to be held as all-postal ballots. The provisions are also based on provisions in the European Parliamentary and Local Elections (All-Postal) Pilot Order 2004, made under sections 1, 2 and 8 of the European Parliamentary and Local Elections (Pilots) Act 2004.

Article 3 and Schedule 1 provide rules for the conduct of a Regional Assembly referendum held under section 1(1) of the Regional Assemblies (Preparations) Act 2003 or a local government referendum held under section 2(2) of that Act. The Rules in Schedule 1 include provision for where the poll at a Regional Assembly referendum is held in a voting area without combining with another poll, and for where the polls at a Regional Assembly referendum and local government referendum are held in combination.

Article 4 provides that the polls at a local government referendum held on the same date as a Regional Assembly referendum in the region shall be combined.

Article 5 requires the polls to be taken by all-postal ballot. The means for delivery of ballot papers (and security statements) by voters is by post, or by hand to the counting officer or delivery places provided by the counting officer.

Article 6 and Schedule 2 apply to the referendums, with modifications, relevant provisions in the Representation of the People Act 2000, Representation of the People Act 1983 and Representation of the People (England and Wales) Regulations 2001. Provision is made for electors entitled to a proxy vote at local government elections for an indefinite or definite period to be entitled automatically to a proxy vote at the referendums.

Article 7 and Schedule 3 apply provisions from the Political Parties, Elections and Referendums Act 2000 to local government referendums. The provisions are mainly those concerning permitted participation and expenditure at such referendums. Part 2 of Schedule 3 also ensures that restrictions on referendum expenditure apply jointly in relation to participation at a Regional Assembly referendum and all local government referendums in a region.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Regional Assembly and Local Government Referendums Order 2004 No. 1962

Article 8 authorises the supply and use of the electoral register to the Electoral Commission for the performance of its functions under the Regional Assemblies (Preparations) Act 2003 relating to the referendums.

Articles 9 and 10 provide for the Chief Counting Officer and counting officers who are responsible for the conduct of the Regional Assembly referendum in the voting area for a local government referendum, also to be responsible for and have the conduct of, that local government referendum, including certification of the result.

Article 11 provides for a referendum agent to act on behalf of a permitted participant for the purposes of appointing counting agents and agents to attend proceedings in respect of the receipt of ballot papers.

Articles 12 and 13 provide for matters relating to advertisements and non-domestic rating which correspond to provisions applying in relation to elections.

A full Regulatory Impact Assessment has been not been prepared for this instrument as it has no impact on the costs of businesses, charities or voluntary bodies.