



Regional Assemblies (Preparations) Act 2003 (repealed)

2003 CHAPTER 10

PART 2

LOCAL GOVERNMENT REVIEWS

Reviews

13 Local government review

- (1) If the Secretary of State is considering whether to cause a referendum to be held in a region about the establishment of an elected assembly for the region, he may direct the Boundary Committee for England—
 - (a) to carry out a local government review of the region;
 - (b) to make recommendations as to the matters considered by the review.
- (2) But the Secretary of State must not give a direction unless he has considered the level of interest in the region in the holding of a referendum.
- (3) If at any time the Secretary of State is considering whether to cause a referendum to be held in two or more regions he may consider (for the purpose of deciding in respect of which (if any) regions to give a direction) any differences in the levels of interest in the different regions in the holding of a referendum.
- (4) For the purposes of subsections (2) and (3) the Secretary of State must consider—
 - (a) views expressed and information and evidence provided to him;
 - (b) such published material as he thinks appropriate.
- (5) For the purposes of deciding in respect of which (if any) regions to give a direction the Secretary of State may also consider—
 - (a) the effects he thinks the carrying out of a local government review will have on the relevant local authorities (taken as a whole) in the region;

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- (b) differences in the effects he thinks the carrying out of local government reviews will have on the relevant local authorities (taken as a whole) in different regions;
 - (c) the implications for the Boundary Committee of the making of directions in respect of two or more regions at the same time or in close proximity of time;
 - (d) the resources needed for the Boundary Committee to carry out local government reviews;
 - (e) whether the Boundary Committee have made any recommendations in respect of a region in pursuance of an earlier direction under this section.
- (6) For the purposes of subsection (5)(a) and (b) the Secretary of State—
- (a) must have regard (in particular) to the number of relevant local authorities in a region and the number of people living in the areas of those authorities;
 - (b) must ignore any effect of the implementation of recommendations of the Boundary Committee following a review.
- (7) It is immaterial that anything done for the purposes of subsection (4) or (5) is done before the passing of this Act.
- (8) A direction may require the Boundary Committee—
- (a) to start the review not later than a specified date;
 - (b) to make their recommendations not later than a specified date.
- (9) But the Secretary of State must not give a direction containing such requirements unless he has consulted the Boundary Committee as to the dates he proposes to specify.
- (10) A direction under this section may be varied or revoked by a subsequent direction.

14 Local government review: supplementary

- (1) This section applies for the purposes of section 13.
- (2) The number of people living in an area is taken to be the most recent estimate of that number published by the Office for National Statistics.
- (3) A local government review is a review to consider—
 - (a) appropriate structural change for the region;
 - (b) whether any boundary changes should be made in the region in connection with or to facilitate the carrying out of the structural change.
- (4) Relevant local authorities are the county council and district council for any area in the region in relation to which both councils have functions.
- (5) The Boundary Committee must not consider any boundary change in relation to—
 - (a) any area in the region which is not the area of a relevant local authority unless it has the effect that any part of the area of a relevant local authority becomes part of the area of a local authority which is not a relevant local authority;
 - (b) any area outside the region.
- (6) The Boundary Committee for England may require a public body to give the Committee such information as they reasonably require in connection with their functions under this Part.
- (7) A public body must comply with a requirement under subsection (6).

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- (8) In carrying out their functions under this Part the Boundary Committee must—
- (a) assume that there is an elected assembly for the region;
 - (b) recommend structural change for so much of the area of the region as is comprised of the areas of all of the relevant local authorities in the region;
 - (c) have regard to the need to reflect the identities and interests of local communities;
 - (d) have regard to the need to secure effective and convenient local government;
 - (e) have regard to guidance issued by the Secretary of State.

15 Review procedure

The provisions of the 1992 Act specified in the left hand column of the Table apply to a review carried out by the Boundary Committee for England in pursuance of a direction under section 13 of this Act as they apply to a review carried out by them under Part 2 of that Act subject to the modifications specified in the right hand column:

Section 14	<ol style="list-style-type: none">(a) In subsection (1) for references to the Electoral Commission substitute references to the Boundary Committee for England;(b) In subsection (1)(b) for “independently of any such change” substitute “otherwise”;(c) Subsection (1)(c) must be ignored;(d) Subsection (3)(b) does not apply to a parish;(e) In subsection (3) paragraphs (d), (e), (f) and (g) must be ignored;(f) Subsection (4) must be ignored;(g) Subsection (5)(ba) must be ignored;(h) In subsection (6) omit “subject to any necessary electoral changes”;(i) Subsection (8) must be ignored.
Section 15	<ol style="list-style-type: none">(a) In subsection (1)(b) omit “under this Part”;(b) Subsections (2) and (6) to (8) must be ignored;(c) In subsection (3) omit “or (2)(c)”;(d) In subsection (4) for references to the Electoral Commission substitute references to the Secretary of State.
Section 15A	<ol style="list-style-type: none">(a) For “Where the Electoral Commission consider it appropriate they may direct the Boundary Committee for England” substitute “ If the Boundary Committee for England think it appropriate they may decide ”;(b) In paragraph (c) for “Electoral Commission” substitute “ Secretary of State ”.

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Section 16

References to the Electoral Commission
must be ignored.

16 Boundary Committee recommendations

- (1) This section applies in relation to recommendations made by the Boundary Committee in pursuance of section 13(1)(b).
- (2) The recommendations must include at least two options for structural change in relation to each county area in the region.
- (3) At any time after he receives the recommendations the Secretary of State may—
 - (a) direct the Boundary Committee to supply him with additional information or advice;
 - (b) reject one or more of the options.
- (4) If the Secretary of State rejects one or more of the options he may direct the Boundary Committee either—
 - (a) to make different recommendations, or
 - (b) to carry out a further local government review of the region and to make further recommendations.
- (5) If the Secretary of State acts under subsection (4)(b), sections 13(8) to (10), 14(3) to (8), 15 and this section apply for the purposes of the further review and recommendations.
- (6) For the purposes of subsection (5) it is immaterial whether the Secretary of State has considered any of the matters in section 13(5).
- (7) County area must be construed in accordance with section 2(3).

Implementation

17 Implementation of recommendations

- (1) This section applies to a region if—
 - (a) a referendum has been held in the region in pursuance of an order under section 1, and
 - (b) the Secretary of State proposes that an elected assembly is established for the region.
- (2) The Secretary of State may by order give effect to all or any of the recommendations of the Boundary Committee for England made to him in pursuance of a direction under section 13 or 16(4).
- (3) Such an order may give effect to a recommendation with or without modifications.
- (4) The following provisions of section 17 of the 1992 Act apply for the purposes of this section as they apply for the purposes of that section—
 - (a) subsection (3), ignoring paragraphs (d), (e), (ea) and (f) and the references to subsection (3A) and the Electoral Commission;
 - (b) subsections (4) and (5);

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- (c) subsection (6), ignoring paragraph (c),
and any reference in those provisions to an order under section 17 of the 1992 Act must be construed for the purposes of this section as a reference to an order under this section.
- (5) If the Secretary of State believes—
- (a) that there has been a mistake in the preparation of an order under subsection (2), and
 - (b) that the mistake cannot be rectified by a subsequent order under that subsection,
- he may by order make such provision as he thinks is necessary or expedient to rectify the mistake.
- (6) The Schedule (which contains amendments consequential on this section) has effect.

18 Application of 1992 Act

- (1) The provisions of the 1992 Act specified in the left hand column of the Table apply for the purposes of this Part as they apply for the purposes of Part 2 of that Act subject to the modifications (if any) specified in the right hand column:

Section 18	In subsection (4) for “Electoral Commission” substitute “ Boundary Committee for England ”.
Sections 19 and 20	
Section 21	In subsection (1) for “Electoral Commission” substitute “ Boundary Committee for England ”.
Sections 22 and 23	
Section 26	So far as it relates to anything done under a provision specified in this Table for the purposes of this Part.

- (2) In the application of those provisions for the purposes of this Part any reference to—
- (a) an order under section 17 of the 1992 Act must be construed as a reference to an order under section 17 of this Act;
 - (b) an order under Part 2 of the 1992 Act must be construed as a reference to an order under that Part as applied by subsection (1).
- (3) Expressions used in this Part and in Part 2 of the 1992 Act have the same meaning in this Part as they do in that Part, but references to a local authority do not include references to a parish council.
- (4) In this Part the 1992 Act is the Local Government Act 1992 (c. 19).

Electoral Commission

19 Payments to Electoral Commission

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- (1) The Secretary of State may pay to the Electoral Commission such amount as he decides is the amount required by them to enable the Boundary Committee for England to carry out their functions under this Part.
- (2) A payment under subsection (1) must be treated as income received by the Commission for the purposes of paragraph 14(1) of Schedule 1 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

Isles of Scilly

20 Isles of Scilly

- (1) For the purposes of section 13 the Council of the Isles of Scilly are not a relevant local authority.
- (2) But the Secretary of State may by regulations make such provision as he thinks appropriate in relation to the Isles of Scilly in consequence of anything done under or by virtue of this Part.

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