Draft Order in Council laid before Parliament under section 4(3) of the Greater London Authority (Referendum) Act 1998 for approval by resolution of each House of Parliament. This draft suepersedes the draft of the Greater London Authority (Referendum) Order 1998 which was laid before Parliament on 23rd February 1998 and approved by the House of Lords on 3rd March 1998 and by the House of Commons on 4th March 1998. The only change is in respect of the date mentioned in article 6. A copy of this draft is being issued free of charge to all known recipients of the earlier draft of the Order.

DRAFT STATUTORY INSTRUMENTS

1998 No.

REFERENDUM

The Greater London Authority (Referendum) Order 1998

Made - - - - 1998

Coming into force - - 1998

At the Court at Buckingham Palace, the 1998

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and approved by resolution of each House:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 4 of the Greater London Authority (Referendum) Act 1998(**1**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the Greater London Authority (Referendum) Order 1998 and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order and in any provision applied by this Order—

"the 1983 Act" means the Representation of the People Act 1983(**2**);

(**1**) 1998 c. 3.
(**2**) 1983 c. 2.

"the 1998 Act" means the Greater London Authority (Referendum) Act 1998;

"Chief Counting Officer" means the person appointed as such under section 3(1) of the 1998 Act;

"the Common Council" means the Common Council of the City of London;

"counting observer" means a person appointed by a counting officer under article 10(1)(b);

"counting officer" means a person appointed as a counting officer under section 3(2) of the 1998 Act;

"Greater London" has the meaning given by section 2(1) of the London Government Act 1963(**3**);

"polling observer" means a person appointed by a returning officer under article 7(3);

"the referendum" means the referendum held by virtue of section 1(1) of the 1998 Act; and

"voting area" means a London borough or the City of London.

Time

3. In calculating any period of time for the purposes of any provision of, or applied by, this Order, the following days shall be disregarded—

(a) a Saturday or Sunday, and

(b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**4**) in England and Wales.

Advertisements

4. The Town and County Planning (Control of Advertisements) Regulations 1992(**5**) shall have effect in relation to the display on any site in Greater London of an advertisement relating specifically to the referendum as they have effect in relation to the display of an advertisement relating specifically to a local government election.

Non-domestic rating: premises used for referendum purposes

5. In relation to premises in Greater London, section 65(6) of the Local Government Finance Act 1988 (occupation for election meetings and polls)(**6**) shall have effect as if—

(a) the reference to public meetings in furtherance of a person's candidature at an election included a reference to public meetings promoting a particular result in the referendum, and

(b) the reference to use by a returning officer for the purpose of taking the poll in an election included a reference to use by a person exercising functions of a returning officer in accordance with article 7(1) for the purposes of taking the poll in the referendum.

Alteration of Register

6. An alteration made in a register of electors or a ward list after 6th April 1998 shall be disregarded for the purposes of the referendum(**7**).

(**3**) 1963 c. 33.
(**4**) 1971 c. 80.
(**5**) S.I. 1992/666; *see* regulation 3(2) and Class F in Schedule 2.
(**6**) 1988 c. 41.
(**7**) *see* section 2(2) of the 1998 Act.

Returning officers

7.—(1) Functions conferred by this Order on the returning officer shall be exercised—

(a) in each London borough, by the person who is for the time being the returning officer at an election of councillors for that borough under section 35(3) of the 1983 Act (returning officers: local elections); and

(b) in the City of London, by the person who is for the time being appointed by the Common Council to act as the returning officer at the referendum.

(2) It is the returning officer's general duty at the referendum to do all such acts and things as may be necessary for effectually conducting the referendum in the manner provided by this Order.

(3) The returning officer may appoint persons to attend at polling stations for the purpose of detecting personation ("polling observers").

Hours of polling

8. The hours of polling shall be between 8 a.m. and 9 p.m. on the day of the referendum.

Ballot papers

9.—(1) The back of the ballot papers shall be in the following form—

"No.

Greater London referendum on [*insert date*]: [*insert name of voting area*] ... ...

Note.—The number on the ballot paper is to correspond with that on the counterfoil and is to be printed in small characters.".

(2) A ballot paper—

(a) shall be capable of being folded up;

(b) shall have a number printed on the back; and

(c) shall have attached a counterfoil with the same number printed on it.

Counting of votes &c

10.—(1) A counting officer shall, in accordance with any directions given by the Chief Counting Officer under section 3(3)(a) of the 1998 Act—

(a) appoint and pay such persons as may be necessary for the purpose of the counting of the votes; and

(b) appoint persons to observe the counting of the votes and the verification of the ballot paper accounts ("counting observers").

(2) A counting officer shall make arrangements for counting the votes in the presence of the counting observers as soon as practicable after the close of the poll and shall give those observers notice in writing of the time and place at which he will begin to count the votes.

(3) No person may attend the counting of votes for any voting area unless he is—

(a) the counting officer for that area;

(b) a person appointed by him under paragraph (1) above;

(c) the Chief Counting Officer;

(d) the Member of Parliament for a constituency wholly or partly within that area,

(e) permitted by the counting officer for that area to attend the count.

(4) A counting officer shall give the counting observers such reasonable facilities for observing the proceedings at the counting of votes, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(5) Before a counting officer makes a certification under section 3(3)(b) of the 1998 Act, or makes any public announcement as to the result of the count, he shall consult the Chief Counting Officer.

Chief Counting Officer's fees and charges

11. The following shall be charged on and paid out of the Consolidated Fund(**8**)—

(a) the fee payable to the Chief Counting Officer in accordance with the terms of his appointment; and

(b) on an account being submitted to, and approved by, the Secretary of State, any charges properly made or expenditure properly incurred by the Chief Counting Officer in connection with the referendum.

Application of provisions

12. The provisions set out in column (1) of the Tables in Schedule 1 shall have effect in relation to the referendum with the modifications shown in column (2) of those Tables and any other necessary modifications; in particular, except where the context otherwise requires—

(a) a reference to an election shall be construed as a reference to the referendum;

(b) a reference to a constituency shall be construed as a reference to a voting area;

(c) a reference to voting for, or a vote for, a candidate shall be construed as a reference to voting for, or a vote for, an answer;

(d) a reference to promoting or procuring the election of a candidate, or furthering a person's candidature, shall be construed as a reference to promoting or procuring a particular result in the referendum;

(e) a reference to the return of a person shall be construed as a reference to a particular result in the referendum;

(f) a reference to a person voting as an elector shall be construed as a reference to a person voting on his own behalf;

(g) a reference to a person's entitlement as an elector to an absent vote shall be construed as a reference to a person's entitlement to vote by post on his own behalf or to vote by proxy;

(h) except where the polls at the referendum and an ordinary election of councillors are taken together in accordance with section 4(1) of the 1998 Act, where anything is required to be done in the presence of election, polling, counting or other agents, the reference to the presence of agents shall be ignored;

(i) a reference to anything being prescribed shall be construed as a reference to its being provided for by a provision of subordinate legislation applied by this Order;

(j) a form which is required to be used may be used with such variations as the circumstances may require;

(k) in relation to the City of London—

(i) a reference to a register of electors shall be construed as a reference to a list of persons entitled to vote at the referendum by virtue of section 2(1)(b) of the 1998 Act;

(**8**) *see* section 12(1)(a) of the 1998 Act.

(ii) a reference to the council of a voting area shall be construed as a reference to the Common Council;

(l) a reference to the registration officer is—

(i) in the case of a London borough, a reference to the relevant registration officer appointed under section 8 of the 1983 Act; and

(ii) in the case of the City of London, a reference to the town clerk of the City(**9**);

and, for the purpose of the exercise of a registration officer's functions in relation to the referendum, sections 52(1) to (4) (discharge of registration duties) and 54(1), (3) and (4) (payment of expenses of registration) of the 1983 Act(**10**) shall have effect;

(m) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by this Order; and

(n) so much of any provision as—

(i) relates to an election petition or an election court; or

(ii) applies only in relation to Scotland, Wales or Northern Ireland,

shall be ignored.

Combined polls

13. Schedule 2 shall have effect where the polls at the referendum and an ordinary election of councillors for any electoral ward of a London borough are taken together in accordance with section 4(1) of the 1998 Act.

Clerk of the Privy Council

(**9**) *see* section 8(2) and (5) of the City of London (Various Powers) Act 1957 (c.x) to which relevant amendments were made by section 3(2) and (3) of the City of London (Various Powers) Act 1968 (c.xxxvii) and Schedule 2 to the Representation of the People Act 1985 (c. 50) ("the 1985 Act").

(**10**) Sections 52 and 54 of the 1983 Act were amended by Schedules 4 and 5 to the 1985 Act.