

REFERENDUMS HELD IN CONJUNCTION WITH BY-ELECTIONS, LEGALITY

253. Ms WARNOCK to the Minister for Local Government:

- (1) What is the law concerning referenda carried out in conjunction with a local government postal voting election or by-election?
- (2) Is there any prohibition on surveys or referenda being held in conjunction with a by-election?
- (3) If so, is the subject of the survey relevant?
- (4) Who is eligible to vote in such a survey?

Mr OMODEI replied:

- (1) Section 4.99 of the Local Government Act 1995 and regulations 88 and 89 of the Local Government (Elections) Regulations 1997 provide that, if a referendum - survey - is held in conjunction with an election, the electoral provisions of the Act apply as soon as they are capable of being applied.
- (2) There is no prohibition on surveys or referendums being held in conjunction with an extraordinary election as long as the formalities for conducting an election are followed.
- (3) There are no statutory limits on the subjects that may be put to a referendum.
- (4) The electoral provisions provide that electors may vote at such a referendum. In special circumstances the Governor may make an order, under section 9.62 of the Local Government Act 1995, to modify the operation of the Act or regulations in relation to this or any other matter.