



# Local Government (Democracy) (Wales) Act 2013

2013 anaw 4

## PART 3

### ARRANGEMENTS FOR LOCAL GOVERNMENT

#### CHAPTER 2

#### AREA REVIEWS

##### *Principal areas*

### **23 Review of principal area boundaries**

- (1) The Commission may, of its own initiative or at the request of a local authority, conduct a review of one or more principal areas.
- (2) But the Commission must not conduct a review under subsection (1) at the request of a local authority if it considers that doing so would impede the proper exercise of its functions.
- (3) The changes that the Commission may recommend in relation to a review under this section are—
  - (a) such principal area boundary changes as it considers appropriate, and
  - (b) in consequence of any principal area boundary changes such community boundary changes, preserved county changes, community council changes or electoral arrangements changes as it considers appropriate.
- (4) For the purposes of this Part—
  - (a) a reference to a “community boundary change” is a reference to—
    - (i) altering the boundary of a community;

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*Changes to legislation: There are currently no known outstanding effects for the Local Government (Democracy) (Wales) Act 2013, CHAPTER 2. (See end of Document for details)*

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- (ii) abolishing a community;
- (iii) constituting a new community;
- (b) a reference to “community council change” is a reference to—
  - (i) constituting a council for a community or a common council for a group of communities;
  - (ii) dissolving a community council (separate or common);
  - (iii) separating a community from a group of communities having a common community council;
  - (iv) adding a community to a group of communities having a common community council;
- (c) a reference to an “electoral arrangements change” is a reference to a change to the electoral arrangements for any local government area;
- (d) a reference to a “preserved county change” is a reference to a change to the area of a preserved county;
- (e) a reference to a “principal area boundary change” is a reference to—
  - (i) altering the boundary of a principal area;
  - (ii) abolishing a principal area;
  - (iii) constituting a new principal area.

#### **24 Review of principal areas following new town order**

- (1) This section applies where, under section 1 of the New Towns Act 1981 (c. 64) (designation of areas of land for new towns)—
  - (a) the Welsh Ministers have made an order which designates any area of land as the site of a new town, and
  - (b) the area of the new town so designated is not wholly comprised within a principal area.
- (2) The Welsh Ministers must, as soon as reasonably practicable after the date of operation of the order, give notice to the Commission specifying the principal areas affected by the order.
- (3) The Commission must, on receipt of a notice under subsection (2), conduct a review under section 23 of any principal areas specified in the notice.

#### *Communities*

#### **25 Review of community boundaries by principal council**

- (1) A principal council may conduct a review of one or more communities in its area—
  - (a) of its own initiative, or
  - (b) at the request of—
    - (i) a community council in its area, or
    - (ii) a community meeting in its area.
- (2) But a principal council must not conduct a review under subsection (1) at the request of a community council or a community meeting if it considers that doing so would impede the proper exercise of its functions.

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- (3) The changes that a principal council may recommend in relation to a review under this section are—
- (a) such community boundary changes as it considers appropriate, and
  - (b) in consequence of any community boundary changes, such community council changes and associated changes to the electoral arrangements of—
    - (i) the community or communities under review,
    - (ii) the principal area,as it considers appropriate.
- (4) For the purposes of subsection (3)(b)(ii), section 30 applies to a principal council as it applies to the Commission.
- (5) A principal council may enter into an agreement with the Commission for the Commission (under section 26) to exercise the council's functions under this section.
- (6) The agreement may be on such terms and conditions as the principal council and the Commission consider appropriate.

## **26 Review of community boundaries by the Commission**

- (1) The Commission may, in any of the circumstances described in subsection (2), conduct a review of one or more communities in a principal area.
- (2) The circumstances are—
- (a) where the Commission has agreed to exercise a principal council's functions under section 25(5),
  - (b) where a principal council has submitted recommendations to the Commission under section 36(5) and—
    - (i) the council's recommendation is that no community boundary changes should be made,
    - (ii) the council and the Commission are unable to agree to such modifications to the recommendations as the Commission considers necessary for it to implement them,
    - (iii) the Commission does not consider it appropriate to implement any of the council's recommendations, or
    - (iv) the Commission considers that the review has not been conducted by the council in accordance with this Part or has otherwise been defective in some material way,
  - (c) where a principal council has not complied with a direction by the Welsh Ministers to conduct a review of one or more of its communities.
- (3) The changes that the Commission may recommend in relation to a review under this section are—
- (a) such community boundary changes as it considers appropriate, and
  - (b) in consequence of any community boundary changes, such community council changes and associated changes to the electoral arrangements of—
    - (i) the community or communities under review,
    - (ii) the principal area,as it considers appropriate.

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- (4) Where the Commission conducts a review in the circumstances described in subsection (2)(b)(iv) or (c), it may recover the cost of doing so from the principal council.
- (5) In the event of a disagreement between the Commission and the principal council as to the amount payable to the Commission under subsection (4), the Welsh Ministers may determine that amount.
- (6) Any sum payable to the Commission under this section is recoverable as a debt due to the Commission.

#### *Preserved counties*

### **27 Review of preserved counties**

- (1) The Commission may conduct a review of one or more preserved counties.
- (2) The Commission may recommend such changes to the area of a preserved county as it considers appropriate.
- (3) In considering whether changes to the area of the preserved county are appropriate (whether in relation to a review under this section or as part of any other review) the Commission must have regard, in particular, to the purposes for which the preserved counties are retained.
- (4) For the purposes of this Part, “preserved county” means any county created by the 1972 Act as a county in Wales as it stood immediately before the passing of the Local Government (Wales) Act 1994 but subject to any provision of that Act or any provision made under the 1972 Act or this Act redrawing its boundaries.

#### *Seaward boundaries*

### **28 Review of seaward boundaries**

- (1) The Commission may conduct a review of so much of the boundary of a local government area (which includes, for the purposes of this section, a preserved county) as —
  - (a) lies below the high-water mark of medium tides, and
  - (b) does not form a common boundary with another local government area.
- (2) The changes that the Commission may recommend in relation to a review under this section are—
  - (a) the inclusion within the local government area of any area of the sea which, at the time of the review, does not form part of another local government area, and
  - (b) the exclusion of any area of the sea which, at the time of the review, forms part of the local government area.

**Changes to legislation:**

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