

Status: Point in time view as at 30/07/2013.

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

VALID FROM 30/09/2013

SCHEDULE 1

(as introduced by section 73(1))

MINOR AND CONSEQUENTIAL AMENDMENTS

Local Government Act 1972 (c. 70)

- 1 (1) The 1972 Act is amended as follows.
- (2) In section 25(2) (term of office and retirement of councillors), after “Part IV of this Act” insert “ or Part 3 of the Local Government (Democracy) (Wales) Act 2013 (anaw 4) ”.
- (3) In section 30 (restriction on community applications during and after reviews)—
- (a) in subsection (1), after paragraph (b) insert—
- “(ba) during the period of two years beginning with the coming into force of an order relating to the community under Part 3 of the Local Government (Democracy) (Wales) Act 2013 consequent on recommendations made under that Part by the Local Democracy and Boundary Commission for Wales”,
- (b) in subsection (3)—
- (i) for “Welsh Commission” substitute “ Local Democracy and Boundary Commission for Wales ”,
- (ii) after “Act” insert “ or Part 3 of the Local Government (Democracy) (Wales) Act 2013 ”.
- (4) In section 31(2) (supplementary provision about community council orders), for the words from “68” to the end substitute “ 44 of the Local Government (Democracy) (Wales) Act 2013 is to apply as if the order were made under Part 3 of that Act. ”.
- (5) In section 70 (restriction on promotion of Bills for changing local government areas, etc.) —
- (a) in subsection (1), after “local authority” insert “ in England ”,
- (b) in subsection (3), after “local authority” insert “ in England ”.
- (6) In section 73(1) (alteration of local boundaries consequent on alteration of water-course), after “local government” insert “ in England ”.
- (7) In section 74 (change of name of county, district or London borough)—
- (a) in subsection (3)(a), for “the Secretary of State” substitute “ the relevant Minister ”,
- (b) in subsection (3)(b), for “the Secretary of State” substitute “ the relevant Minister ”,
- (c) after subsection (3) insert—
- “(3A) Where any change of name under this section relates to a Welsh principal area, notice must also be sent to the Local Democracy and Boundary Commission for Wales.”.

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(d) after subsection (7) insert—

“(8) In this section the “relevant Minister” is—

- (a) in relation to the change of name of a Welsh principal area, the Welsh Ministers, and
- (b) in relation to any other change of name, the Secretary of State.”.

(8) In section 76(2)(a) (change of name of a community), for “Secretary of State,” substitute “ Welsh Ministers, to the Local Democracy and Boundary Commission for Wales, ”.

(9) In section 246(9) (preservation of powers, privileges and rights of existing cities or boroughs), for “Part IV of this Act” substitute “ Part 3 of the Local Government (Democracy) (Wales) Act 2013 ”.

(10) In section 239(1) (power to promote or oppose local or personal Bills)—

- (a) for “local authority, other than a parish or community council” substitute “ local authority in England, other than a parish council ”, and
- (b) after “local authority” where it second occurs, insert “ in England ”.

Police Act 1996 (c. 16)

2 In section 1(2)(a) of the Police Act 1996 (police areas), for “section 58 of the Local Government Act 1972,” substitute “ section 45 of the Local Government (Democracy) (Wales) Act 2013, ”.

Public Services Ombudsman (Wales) Act 2005 (c. 10)

3 In Schedule 3 to the Public Services Ombudsman (Wales) Act 2005 (listed authorities), after the entry for “Comisiynydd y Gymraeg (the Welsh Language Commissioner)” insert— “ The Local Democracy and Boundary Commission for Wales. ”.

Welsh Language (Wales) Measure 2011 (nawm 1)

4 In Schedule 6 to the Welsh Language (Wales) Measure 2011 (public bodies etc: standards), in column 1, for the entry for “The Local Government and Boundary Commission for Wales (“Comisiwn Ffiniau Llywodraeth Leol i Gymru)” substitute “ The Local Democracy and Boundary Commission for Wales (“Comisiwn Ffiniau a Democratiaeth Leol Cymru”) ”.

Police Reform and Social Responsibility Act 2011 (c. 13)

5 In section 72(3) of the Police Reform and Social Responsibility Act 2011 (amendment of police areas: term of office of commissioner), for paragraph (c) substitute—

- “(c) an order under section 45 of the Local Government (Democracy) (Wales) Act 2013 (anaw 4) (recommendations for changes to police areas) which alters the boundary of any police area in Wales;”.

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Local Government Byelaws (Wales) Act 2012 (anaw 2)

- 6 In paragraph 9 of Schedule 2 to the Local Government Byelaws (Wales) Act 2012 (minor and consequential amendments), in sub-paragraph (4), for “236A (alternative procedure for certain byelaws)” substitute “ 236B (revocation of byelaws) ”.

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SCHEDULE 2

(as introduced by section 73(2))

REPEALS

The enactments mentioned in the first column are repealed to the extent set out in the second column.

TABLE 1

<i>Enactment</i>	<i>Extent of Repeal</i>
Local Government Act 1972 (c. 70)	Section 22(5). Section 24(4). Section 30(1)(b). In section 30(3), the words “under Part IV of this Act”. Section 34(5). Section 53. Section 54. Section 55. Section 56. Section 57. Section 57A. Section 58. Section 59. Section 60. Section 61. Section 65. Section 67. Section 68. Section 69. Section 71. Section 72(1)(b) and (2A). In section 73(2), the words “or the Welsh Commission, as the case may require,”. In section 78(1), the definitions of “electoral arrangements” and “substantive change”. Section 78(2). In section 270(1), the definition of the “Welsh Commission”.

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	Schedule 8. Schedule 11.
Local Government Boundary Commission for Wales (Accounts, Audit and Reports) Order 2003 (S.I. 2003/749)	The whole instrument.
Local Government (Wales) Measure 2011 (nawm 4)	Section 4(8). In section 4(10), the definition of “co-opted member”. Section 167.

SCHEDULE 3

(introduced by section 72(2))

INDEX OF DEFINED EXPRESSIONS

The expressions listed in the first column are defined by or (as the case may be) are to be interpreted in accordance with the provisions of this Act listed in the second column in relation to those expressions.

TABLE 2

<i>Expression</i>	<i>Relevant provision</i>
1972 Act (<i>Deddf 1972</i>)	Section 72(1)
2011 Measure (<i>Mesur 2011</i>)	Section 72(1)
Appropriate implementing authority (<i>Awdurdod gweithredu priodol</i>)	Section 36(6)
Assistant Commissioner (<i>Comisiynydd Cynorthwyol</i>)	Section 11(1)
Chairing member (<i>Aelod cadeirio</i>)	Section 4(1)(a)
Community boundary change (<i>Newid i ffin cymuned</i>)	Section 23(4)(a)
Community council change (<i>Newid i gyngor cymuned</i>)	Section 23(4)(b)
Community meeting (<i>Cyfarfod cymunedol</i>)	Section 72(1)
Electoral arrangements for community (<i>Trefniadau etholiadol ar gyfer cymuned</i>)	Section 31(7)
Electoral arrangements for principal area (<i>Trefniadau etholiadol ar gyfer prif ardal</i>)	Section 29(9)
Electoral arrangements change (<i>Newid i drefniadau etholiadol</i>)	Section 23(4)(c)
Electoral ward (<i>Ward etholiadol</i>)	Section 29(11)
Enactment (<i>Deddfiad</i>)	Section 72(1)

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Executive arrangements (<i>Trefniadau gweithrediaeth</i>)	Section 52(9)
Expert (<i>Arbenigwr</i>)	Section 10(1)
Local authority (<i>Awdurdod lleol</i>)	Section 72(1)
Local government area (<i>Ardal llywodraeth leol</i>)	Section 72(1)
Local government elector (<i>Etholwr llywodraeth leol</i>)	Section 30
Mandatory consultees (<i>Ymgynghoreion gorfodol</i>)	Section 34(3)
Modify (<i>Addasu</i>)	Section 72(1)
Multiple member area (<i>Ardal amlaelod</i>)	Section 29(11)
Preserved county (<i>Sir wedi ei chadw</i>)	Section 27(4)
Preserved county change (<i>Newid i sir wedi ei chadw</i>)	Section 23(4)(d)
Principal area (<i>Prif ardal</i>)	Section 72(1)
Principal council (<i>Prif gyngor</i>)	Section 72(1)
Principal area boundary change (<i>Newid i ffin prif ardal</i>)	Section 23(4)(e)
Public body (<i>Corff cyhoeddus</i>)	Section 40(6)
Qualifying public body (<i>Corff cyhoeddus cymwys</i>)	Section 50(5)
Single member area (<i>Ardal un aelod</i>)	Section 29(11)
The Commission (<i>Y Comisiwn</i>)	Section 2

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