



Local Government (Wales) Measure 2011

2011 nawm 4

PART 10

GENERAL

173 Procedure applicable to certain orders under section 127

- (1) The Welsh Ministers must comply with this section before making an order under section 127 to give effect to proposals to modify an enactment which they consider prevents or obstructs community councils from exercising their power under section 2(1) of the Local Government Act 2000 (“the proposals”).
- (2) The Welsh Ministers must consult—
 - (a) such community councils,
 - (b) such representatives of community councils, and
 - (c) such other persons (if any),as appear to the Welsh Ministers to be likely to be affected by the proposals.
- (3) If, following that consultation, the Welsh Ministers wish to proceed with the proposals they must lay before the National Assembly for Wales a document which—
 - (a) explains the proposals,
 - (b) sets them out in the form of a draft order, and
 - (c) gives details of the consultation under subsection (2).
- (4) No draft of an order under section 127 to give effect to the proposals (“the final draft order”) may be laid before the Assembly in accordance with section 172(2)(b) until after the expiry of the period of 60 days beginning with the day on which the document relating to the proposals was laid before the National Assembly for Wales under subsection (3).
- (5) In calculating the period mentioned in subsection (4) no account shall be taken of any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.

Status: This is the original version (as it was originally enacted).

- (6) In preparing the final draft order the Welsh Ministers must consider any representations made during the period mentioned in subsection (4).
- (7) If the final draft order is laid before the National Assembly for Wales in accordance with section 172(2)(b), the order must be accompanied by a statement of the Welsh Ministers giving details of—
- (a) any representations considered in accordance with subsection (6), and
 - (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection (3) which are given effect to in the final draft order.
- (8) Nothing in this section applies to an order under section 127 which is made only for the purpose of amending an earlier order under that section—
- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular community council or to community councils of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular community council or to community councils of a particular description.