

WELSH STATUTORY INSTRUMENTS

2020 No. 442

**The Local Authorities (Coronavirus)
(Meetings) (Wales) Regulations 2020**

PART 3

Requirements relating to meetings

When certain annual meetings may be held

6.—(1) Paragraph (2) applies in relation to a principal council that has not held an annual meeting—

- (a) on or after 1 March 2020, and
- (b) before the coming into force of these Regulations.

(2) Schedule 12 to the 1972 Act (meetings and proceedings of local authorities) is to be read as if, in paragraph 1(2) (annual meetings of principal councils), before paragraph (b) ^{M1} there were inserted—

“(ab) in 2020, on such day in 2020 as the proper officer of the council may fix;”.

Commencement Information

I1 Reg. 6 in force at 22.4.2020, see reg. 1(3)

Marginal Citations

M1 Paragraph 1(2)(b) was amended by section 1(6) of the [Elections Act 2001 \(c. 7\)](#).

7. Schedule 12 to the 1972 Act is to be read as if, in paragraph 23(2) ^{M2} (annual meetings of community councils), after “take office,” there were inserted “ in 2020, the annual meeting is to be held on such day in 2020 as the proper officer of the council may determine, ”.

Commencement Information

I2 Reg. 7 in force at 22.4.2020, see reg. 1(3)

Marginal Citations

M2 Paragraph 23(2) was amended by article 4 of the [Elections Act 2001 \(Supplemental Provisions\) Order 2001 \(S.I. 2001/1630\)](#).

8. Paragraph 2 of Schedule 3 to the National Park Authorities (Wales) Order 1995 ^{M3} (annual meetings) is to be read as if—

- (a) after sub-paragraph (1), there were inserted—
- “(1A) But in 2020, the annual meeting is to be on such day in that year, and at such hour, as is fixed by the chair of the Authority after consulting the proper officer of the Authority.”;
- (b) in sub-paragraph (2), at the beginning there were inserted “Other than in 2020,”.

Commencement Information

I3 Reg. 8 in force at 22.4.2020, see reg. 1(3)

Marginal Citations

M3 [S.I. 1995/2803](#). There are amendments to Schedule 3 none of which are relevant.

Date and time of other meetings

9.—(1) A meeting which, by virtue of an enactment or other instrument, a local authority is required to hold before 1 May 2021 may be held on such day and at such time before 1 May 2021 as the local authority may determine (whether or not it is subject to any other requirements as to when it must be held).

(2) In this regulation, “meeting” does not include an annual meeting of—

- (a) a principal council;
- (b) a community council;
- (c) a National Park authority.

[^{F1}(3) Paragraph (1) does not apply in relation to—

- (a) the requirement—
 - (i) under section 115 of the Local Government Finance Act 1988 to consider at a meeting a report under section 114 of that Act;
 - (ii) under section 115B of the Local Government Finance Act 1988 to consider at a meeting a report under section 114A of that Act;
 - (iii) under section 4 of the Local Government and Housing Act 1989 to consider at a meeting a report under that section by a head of paid service;
 - (iv) under section 5 of the Local Government and Housing Act 1989 to consider at a meeting a report under that section by a monitoring officer or a monitoring officer’s deputy;
 - (v) under section 5A of the Local Government and Housing Act 1989 to consider at a meeting a report under that section by a monitoring officer or a monitoring officer’s deputy;
 - (vi) under section 25 of the Public Audit (Wales) Act 2004 to consider at a meeting a report under section 22 of that Act, or a recommendation within section 25(2) of that Act;
- (b) any requirement to hold a meeting as soon as practicable (however that requirement is expressed).]

F1 [Reg. 9\(3\)](#) inserted (21.7.2020) by [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/653\)](#), regs. 1(2), 2

Commencement Information

I4 Reg. 9 in force at 22.4.2020, see reg. 1(3)

Failure to attend meetings

10. Section 85^{M4} of the 1972 Act (vacation of office by failure to attend meetings) is to be read in relation to a local authority to which that section applies (by virtue of any enactment) as if—

- (a) in subsection (3B), for “(3C) and (3D)” there were substituted “ (3C) to (3D) ”;
- (b) after subsection (3C) there were inserted—
 - “(3CA) In relation to a member of a local authority in Wales, the period—
 - (a) beginning with the day on which the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 come into force, and
 - (b) ending with the first day after the day mentioned in paragraph (a) on which a meeting is held, attendance at which would be—
 - (i) attendance by the member at a meeting of the local authority for the purposes of subsection (1), or
 - (ii) if the member is a member of the executive of the local authority, attendance by the member at a meeting of the executive for the purposes of subsection (2A),is to be disregarded.”;
- (c) in subsection (3D), in each of paragraphs (a) and (b) after “(3C)” there were inserted “ or (as the case may be) (3CA) ”.

Commencement Information

I5 Reg. 10 in force at 22.4.2020, see reg. 1(3)

Marginal Citations

M4 Subsections (3B), (3C) and (3D) were inserted by section 31 of the Local Government (Wales) Measure 2011 (nawm 4).

Election of chairs and vice-chairs of principal councils and community councils at annual meetings

11.—(1) The 1972 Act is to be read subject to this regulation.

(2) Section 22(1) (chair) is to be read as if after “councillors” there were inserted “ ; but if there is no election of a chair at the annual meeting of the council in 2020, the person holding office as chair immediately before the annual meeting of the council in 2020 may continue to hold office. ”

- (3) Section 23 (election of chair) is to be read as if—
 - (a) in subsection (1), after “council” there were inserted “ unless, in relation to the annual meeting held in 2020, the council decides not to hold an election of a chair at that meeting ”;
 - (b) after subsection (1) there were inserted—
 - “(1A) A principal council that did not elect a chair at its annual meeting held in 2020 may hold an election of a chair at any time before the annual meeting held in 2021 (but not after 30 April 2021).”

(4) Section 24(2) (vice-chair) is to be read as if for “the election of a chairman at the next annual meeting of the council” there were substituted “ the next election of a chair held other than under section 88 ”.

(5) Section 34 (community councils) is to be read as if—

- (a) in subsection (1), after “councillors” there were inserted “ ; but if there is no election of a chair at the annual meeting of the council in 2020, the person holding office as chair immediately before the annual meeting of the council in 2020 may continue to hold office ”;
- (b) in subsection (2), after “subsection (3) below” there were inserted “ ; but the community council may decide not to hold an election of a chair at the annual meeting held in 2020 ”;
- (c) after subsection (2) there were inserted—
 - “(2A) A community council that did not elect a chair at its annual meeting held in 2020 may hold an election of a chair at any time before 1 May 2021.”;
- (d) in subsection (7), for “the election of a chairman at the next annual meeting of the council” there were substituted “ the next election of a chair held other than under section 88 ”.

Commencement Information

I6 Reg. 11 in force at 22.4.2020, see reg. 1(3)

Election of chairs and deputy chairs of National Park authorities at annual meetings

12. Paragraph 5(2) of Schedule 7 to the Environment Act 1995 ^{M5} (National Park authorities) is to be read as if for “not exceeding one year” there were substituted “ ending when the annual meeting of the authority which follows their election is held under paragraph 2(1) of Schedule 3 to the National Park Authorities (Wales) Order 1995 (S.I. 1995/2803) ”.

Commencement Information

I7 Reg. 12 in force at 22.4.2020, see reg. 1(3)

Marginal Citations

M5 1995 c. 25.

Election of chair of the joint board of Swansea Bay Port Health Authority at annual meeting

13. Article 5 of the Swansea Bay Port Health Authority Order 1991 ^{M6} is to be read as if—

- (a) in paragraph (1), after “amongst the members” there were inserted “ unless, in relation to the annual meeting held in 2020, the board decides not to hold an election of a chair at that meeting; if there is no election at that meeting the person holding office as chair immediately before that meeting may hold office for more than one year ”;
- (b) in paragraph (2), after “board” there were inserted “ unless, in relation to the annual meeting held in 2020, the board decides not to hold an election of a chair at that meeting ”.

Commencement Information

I8 Reg. 13 in force at 22.4.2020, see reg. 1(3)

Marginal Citations

M6 [S.I. 1991/1773](#).

Other appointments and elections required to take place at meetings

14.—(1) In this regulation—

“relevant meeting” (“*cyfarfod perthnasol*”) means a meeting of a local authority to be held before 1 May 2021;

“relevant office” (“*swydd berthnasol*”) means an office to which a person is appointed or elected at a relevant meeting, other than the offices of—

- (a) chair and vice-chair of a principal council;
- (b) chair and vice-chair of a community council;
- (c) chair and deputy chair of a National Park authority;
- (d) chair of Swansea Bay Port Health Authority.

(2) Any requirement imposed by any enactment or other instrument to appoint or elect a person to a relevant office at a relevant meeting, other than a requirement to fill a vacancy in that office, is to be treated as a power to appoint or elect a person to that office at any relevant meeting.

(3) The term of office of a person holding a relevant office immediately before these Regulations come into force continues until immediately before that person's successor assumes office, despite any provision to the contrary in any enactment or other instrument, other than provision relating to vacating office before the end of the term of office.

Commencement Information

I9 Reg. 14 in force at 22.4.2020, see reg. 1(3)

Substitute members of local planning authority committees

15. Until the end of 30 April 2021, the Local Authorities (Standing Orders) (Wales) Regulations 2006^{M7} are to be read as if—

- (a) in regulation 4A, paragraph (3)(b) were omitted;
- (b) in Schedule 2A^{M8}, paragraph 2 (standing order relating to local planning authorities) were omitted.

Commencement Information

I10 Reg. 15 in force at 22.4.2020, see reg. 1(3)

Marginal Citations

M7 [S.I. 2006/1275](#) (W. 121).

M8 Schedule 2A was inserted by regulation 2(4) of the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 ([S.I. 2017/460](#) (W. 98)).

Voting at community council meetings

16. Paragraph 29 of Schedule 12 to the 1972 Act (voting at community council meetings) has effect in relation to a meeting held before 1 May 2021 as if for sub-paragraph (1) there were substituted—

“(1) The manner of voting at meetings of a community council is to be decided by the council, but (if a vote is necessary on that question) the proper officer is to determine the manner of voting on that decision; if agreement cannot be reached, the proper officer is to determine the manner of voting on all other matters.”

Commencement Information

III Reg. 16 in force at 22.4.2020, see reg. 1(3)

Notices and summonses

17.—(1) Paragraph 4 of Schedule 12 to the 1972 Act (meetings of principal councils) has effect in relation to a meeting held before 1 May 2021 as if—

(a) in sub-paragraph (2)—

- (i) in paragraph (a), for “and place of the intended meeting shall be published at the council's offices”, there were substituted “ of the meeting and, if the meeting is to be open to the public, how to access the meeting, must be published electronically ”;
- (ii) in paragraph (a), for “be signed by those members” there were substituted “ set out the names of those members ”;
- (iii) in paragraph (b), for “signed by the proper officer of the council” there were substituted “ authenticated by the proper officer of the council in such manner as the proper officer considers appropriate ”;
- (iv) for the words from “shall” to the end of paragraph (b) there were substituted “must be sent to every member of the council by—
 - (a) sending it by post to the member's place of residence, or
 - (b) sending it electronically.”;

(b) sub-paragraph (3) were omitted.

(2) Paragraph 26(2)^{M9} of Schedule 12 (meetings of community councils) has effect in relation to a meeting held before 1 May 2021 as if—

(a) in paragraph (a)—

- (i) for “and place of the intended meeting shall be published electronically and fixed in some conspicuous place in the community”, there were substituted “ of the meeting and, if the meeting is to be open to the public, how to access the meeting, must be published electronically ”;
- (ii) for “be signed by those members” there were substituted “ set out the names of those members ”;

(b) in paragraph (b)—

- (i) for “signed by the proper officer of the council” there were substituted “ authenticated by the proper officer of the council in such manner as the proper officer considers appropriate ”;
- (ii) for the words from “shall” to the end of that paragraph there were substituted

- “must be sent to every member of the council by—
- (a) sending it by post to the member's place of residence, or
 - (b) sending it electronically.”

Commencement Information

I12 Reg. 17 in force at 22.4.2020, see reg. 1(3)

Marginal Citations

M9 Paragraph 26(2) was amended by section 57 of the Local Government (Democracy) (Wales) Act 2013 (anaw 4).

18. Paragraph 6 of Schedule 3 to the National Park Authorities (Wales) Order 1995 (calling of meetings) has effect in relation to a meeting held before 1 May 2021 as if—

- (a) in sub-paragraph (2)(a)—
 - (i) for “and place of the intended meeting shall be published at the principal offices of the Authority”, there were substituted “ of the meeting and, if the meeting is to be open to the public, how to access the meeting, must be published electronically ”;
 - (ii) for “be signed by those members” there were substituted “ set out the names of those members ”;
- (b) in sub-paragraph (2)(b) ^{M10}—
 - (i) for “signed by the proper officer of the Authority shall, subject to sub-paragraph (3) below, be left at or” there were substituted “ authenticated by the proper officer of the Authority in such manner as the proper officer considers appropriate, must be ”;
 - (ii) “usual” were omitted;
 - (iii) after “member of the Authority” there were inserted “ or sent electronically to every member of the Authority, ”;
- (c) sub-paragraph (3) were omitted.

Commencement Information

I13 Reg. 18 in force at 22.4.2020, see reg. 1(3)

Marginal Citations

M10 Paragraph 6(2)(b) was amended by paragraph 52 of Schedule 4 to the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755 (W. 90)).

Changes to legislation:

There are currently no known outstanding effects for the The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020, PART 3.