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WELSH STATUTORY INSTRUMENTS

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**2021 No. 356**

The Local Government and Elections (Wales)  
Act 2021 (Consequential Amendments and  
Miscellaneous Provisions) Regulations 2021

PART 3

Amendments to secondary legislation

**The National Park Authorities (Wales) Order 1995**

6.—(1) Paragraph 6(1) of Schedule 3 to the National Park Authorities (Wales) Order 1995(2) is amended as follows.

(2) In sub-paragraph (2)(a)—

- (a) omit “of the time and place”;
- (b) for “at the principal offices of the Authority” substitute “electronically”;
- (c) for “be signed by” substitute “state the names of”.

(3) In sub-paragraph (2)(b)(3)—

- (a) for “signed” substitute “authenticated”;
- (b) for “left at or sent by post to the usual place of residence of” substitute “sent electronically to”;
- (c) for “a copy” substitute “an electronic copy”(4).

(4) After sub-paragraph (2) insert—

“(2A) The notice of the meeting given under sub-paragraph (2)(a) must—

- (a) where the meeting or part of the meeting is open to the public and is held through remote means only, give details of the time of the meeting and how to access it;

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(1) Paragraph 6 was temporarily modified, in relation to meetings of national park authorities held between 22 April 2020 and the end of 30 April 2021, by [S.I. 2020/442 \(W. 100\)](#), regulation 18.

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

(3) 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 \(W. 90\)](#)).

(4) The function of receiving a copy of the summons to a meeting of a national park authority under paragraph 6(2)(b) is conferred on the Welsh Ministers. The powers conferred on the Secretary of State by sections 63(1) and (5) of, and paragraphs 1(2) and (3), and 2(1) and (2) of Schedule 7 to, the Environment Act 1995 (c. 25) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Under article 3 of that Order, any reference in that Order to a function of a Minister of the Crown under an enactment includes a reference to any functions of that Minister which are included in any scheme, regulations, rules, order, bye-laws or other instrument having effect under or in relation to that enactment, and the power to confer functions on that Minister by any such scheme, regulations, rules, order, bye-laws or other instrument has effect as a power to confer such functions on the Assembly. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions conferred on the National Assembly for Wales are now exercisable by the Welsh Ministers.

- (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and how to access it;
- (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and the fact that it is not open to the public;
- (d) where the meeting is not open to the public and is held through remote means only, give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.

(2B) In sub-paragraph (2)(b) “authenticated” means signed or otherwise authenticated in such manner as the proper officer of the Authority considers appropriate.

(2C) Every member of the Authority must specify an electronic address for the purpose of receiving a summons referred to in sub-paragraph (2)(b).

(2D) In this paragraph, references to a meeting of the Authority held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak and be heard by each other (whether or not the equipment or facility enables those persons to see or be seen by each other).”;

(5) In sub-paragraph (3)—

- (i) for “he” substitute “that member”;
- (ii) for “him” in each place it occurs, substitute “that member”;
- (iii) for “other than his usual place of residence” substitute “rather than electronically”;
- (iv) for “his” substitute “that member’s”.

### **The Standards Committees (Wales) Regulations 2001**

7.—(1) The Standards Committees (Wales) Regulations 2001<sup>(5)</sup> are amended as follows.

(2) In regulation 26<sup>(6)</sup> (applicable provisions of Part 5A of the Local Government Act 1972)—

- (a) in paragraph (1)(b) for “section 100B” substitute “section 100BA”;
- (b) after paragraph (1) insert—
  - “(1A) The duty of a standards committee, by virtue of paragraph (1), to publish any document electronically is a duty to publish the document on the website of the relevant authority (if that authority has one).”;
- (c) in paragraph (2) for “subsection (1) of section 100B” substitute “subsection (1) of section 100BA”;
- (d) in paragraph (2A)<sup>(7)</sup>—
  - (i) in sub-paragraph (a)—
    - (aa) for “section 100B” substitute “section 100BA”;
    - (bb) after “publish” insert “electronically”;
  - (ii) in sub-paragraph (d), after “publish” insert “electronically”;
- (e) omit paragraph (3);
- (f) for paragraph (4) substitute—

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(5) [S.I. 2001/2283 \(W. 172\)](#).

(6) Regulation 26 was temporarily modified by paragraph 2(a) of the Schedule to [S.I. 2020/442 \(W. 100\)](#) in relation to meetings of standards committees held between 22 April 2020 and the end of 30 April 2021.

(7) Paragraph (2A) was inserted by of the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 ([S.I. 2016/85 \(W. 39\)](#)), regulation 2(16).

- “(4) In subsections (1)(c) and (2A)(b) of section 100D, for “offices of the council” substitute “offices of the relevant authority”;
- (g) in paragraph (6), for “subsection (3) of section 100H” substitute “subsections (3), (3A) and (6A) of section 100H”(8);
- (h) in paragraph (7), in the text inserted by sub-paragraph (a), at the end insert “and see section 100J(3YA), (3ZA)(b) and (3ZAA) above”(9).
- (3) In regulation 27(10) (applicable provisions of Part 5A of the Local Government Act 1972)—
- (a) for paragraph (1) substitute—
- “(1) Where—
- (a) a local authority is required by virtue of section 100A of the 1972 Act, as modified by regulation 26, to publish electronically a notice relating to a meeting of its standards committee, and
- (b) one or more of the community councils situated in the local authority’s area have a website,
- the local authority may, if it thinks fit, provide for the notice to be published on one or more of those websites (as well as on its own website).”;
- (b) for paragraph (2) substitute—
- “(2) Where—
- (a) a local authority is required by virtue of section 100BA of the 1972 Act, as modified by regulation 26, to publish electronically agendas and reports for meetings of its standards committee, and
- (b) one or more the community councils situated in the local authority’s area have a website,
- the local authority may, if it thinks fit, provide for the agendas or reports to be published on one or more of those websites (as well as on its own website).”;
- (c) for paragraph (3) substitute—
- “(3) Where—
- (a) a local authority is required by virtue of section 100C of the 1972 Act, as modified by regulation 26, to publish electronically minutes of meetings of its standards committee or other documents relating to meetings of its standards committee, and
- (b) one or more the community councils situated in the local authority’s area have a website,
- the local authority may, if it thinks fit, provide for those minutes and documents to be published on one or more those websites (as well as on its own website).”

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(8) Subsection (6A) of section 100H was inserted by the 2021 Act, Schedule 4, paragraph 10(8). Section 100H was temporarily modified by regulation 21 (8) of [S.I. 2020/442 \(W. 100\)](#) in relation to local authority meetings held between 22 April 2020 and the end of 30 April 2021.

(9) Section 100J(3YA) was inserted by the Localism Act 2011 (c. 20), section 231(5). Section 100J(3ZA) was inserted by the Housing and Regeneration Act 2008 (c. 17), Schedule 8, paragraph 15(4). Section 100J(3ZAA) was inserted by the Localism Act 2011, Schedule 22, paragraph 3(4).

(10) Regulation 27 was temporarily modified by paragraph 2(b) of the Schedule to [S.I. 2020/442 \(W. 100\)](#) in relation to meetings of standards committees held between 22 April 2020 and the end of 30 April 2021.

## The Licensing Act 2003 (Hearings) Regulations 2005

- 8.—(1) The Licensing Act 2003 (Hearings) Regulations 2005(11) are amended as follows.
- (2) In regulation 2 (interpretation), after paragraph (2) insert—
- “(2A) In these Regulations, a reference to a hearing of an authority in Wales held through remote means is to a hearing held by means of any equipment or other facility which enables persons who are not in the same place to speak and be heard by each other (whether or not the equipment or facility enables those persons to see or be seen by each other).”
- (3) In regulation 4 (period of time within which hearing to be held)—
- (a) the existing text becomes paragraph (1);
- (b) in that paragraph, at the beginning, for the “The authority” substitute “An authority in England”;
- (c) after that paragraph insert—
- “(2) An authority in Wales must—
- (a) in the case of a hearing which is held through remote means only, arrange for the date and time at which the hearing is to be held in accordance with regulation 5;
- (b) in the case of a hearing which is held partly through remote means or not through remote means, arrange for the date on which and the place and time at which a hearing is to be held in accordance with regulation 5;
- (2A) In either case mentioned in paragraph (2) an authority in Wales must give a notice of hearing in accordance with regulations 6(1A) and 7.”
- (4) In regulation 6 (notice of hearing)—
- (a) in paragraph (1), for “the authority” substitute “an authority in England”;
- (b) after paragraph (1) insert—
- “(1A) In the case of hearings under the provisions listed in column 1 of the table in Schedule 2, an authority in Wales must, in accordance with the following provisions of this regulation, give to the persons listed in column 2 of the table a notice which—
- (a) where the hearing is held through remote means only, gives details of the time of the hearing and how to access it, or
- (b) where the hearing is held partly through remote means or not through remote means, gives details of the time and place of the hearing and how to access it.”
- (5) In regulation 12 (power to extend time etc.)—
- (a) in paragraph (2), after “an authority” insert “in England”;
- (b) after paragraph (2) insert—
- “(2A) Where an authority in Wales has adjourned a hearing to a specified date, it must forthwith notify the parties—
- (a) in the case of a hearing held through remote means only, of the date and time to which the hearing has been adjourned and how to access it; or
- (b) in the case of a hearing held partly through remote means or not through remote means, of the date, time and place to which the hearing has been adjourned and how to access it.”
- (c) in paragraph (3), after “an authority” insert “in England”;
- (d) after paragraph (3) insert—

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(11) [S.I. 2005/44](#). Section 50(4) of the 2021 Act provides that Regulations under that section may amend, modify, repeal or revoke any enactment.

- “(3A) Where an authority in Wales has arranged for a hearing to be held on a specified additional date, it must forthwith notify the parties—
- (a) in the case of a hearing held through remote means only, of the additional date on which and time at which the hearing is to be held and how to access it; or
  - (b) in the case of a hearing held partly through remote means or not through remote means, of the additional date on which and time and place at which the hearing is to be held and how to access it.”
- (6) In regulation 20 (failure of parties to attend the hearing)—
- (a) in paragraph (4) for “the authority” substitute “an authority in England”;
  - (b) after paragraph (4) insert—
- “(4A) Where an authority in Wales adjourns the hearing to a specified date it must forthwith notify the parties—
- (a) in the case of a hearing held through remote means only, of the date and time to which the hearing has been adjourned and how to access it; or
  - (b) in the case of a hearing held partly through remote means or not through remote means, of the date, time and place to which the hearing has been adjourned and how to access it.”

#### **Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007**

9.—(1) The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007<sup>(12)</sup> are amended as follows.

- (2) In regulation 2 (interpretation), after paragraph (1) insert—
- “(1A) In these Regulations, a reference to a hearing of a relevant committee in Wales held through remote means is to a hearing held by means of any equipment or other facility which enables persons who are not in the same place to speak and be heard by each other (whether or not the equipment or facility enables those persons to see or be seen by each other).”
- (3) In regulation 5 (notice of hearing)—
- (a) in paragraph (2), in the words before sub-paragraph (a), after “committee” insert “in England”;
  - (b) after paragraph (2) insert—
- “(3) A relevant committee in Wales must ensure that the notice referred to in paragraph (1)—
- (a) where the hearing is held through remote means only, gives details of the date and time of the hearing and how to access it;
  - (b) where the hearing is held partly through remote means or is not held through remote means, gives details of the date, time and place of the hearing and how to access it;
  - (c) states that the relevant committee will make available the documents listed in the relevant entry in column 3 of the table in the Schedule to the following persons if those persons request them—

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<sup>(12)</sup> *S.I. 2007/173*. Section 50(4) of the 2021 Act provides that Regulations under that section may amend, modify, repeal or revoke any enactment. The definition of “relevant committee” was substituted for “licensing committee” by regulation 16 of the Welsh Language (Gambling and Licence Forms) Regulations 2010 (*S.I. 2010/2440*).

- (i) any person who has made representations (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the application), and
    - (ii) in the case of an application under section 188 for the transfer of a premises licence, the licensee,
  - (d) is sent so that, in the ordinary course of events, it is received no later than 10 working days before the first day on which the hearing is to be held (as specified in the notice).”
- (4) In regulation 7 (power to postpone)—
  - (a) in paragraph (3), after “a relevant committee” insert “in England”;
  - (b) after paragraph (3) insert—
    - “(3A) Where a relevant committee in Wales has adjourned a hearing to a specified date, it must, as soon as reasonably practicable, notify the parties—
    - (a) in the case of a hearing held through remote means only, of the new date and time for the hearing and how to access it; or
    - (b) in the case of a hearing held partly through remote means or not held through remote means, of the new date, time and place for the hearing and how to access it.”
  - (c) in paragraph (4) after “a relevant committee” insert “in England”;
  - (d) after paragraph (4) insert—
    - “(4A) Where a relevant committee in Wales has arranged for the hearing to be held on a specified additional date it must, as soon as reasonably practicable, notify the parties—
    - (a) in the case of a hearing held through remote means only, of the additional date and time of the hearing and how to access it; or
    - (b) in the case of a hearing held partly through remote means or not held through remote means, of the additional date, time and place of the hearing and how to access it.”
- (5) In regulation 10 (failure of parties to attend the hearing)—
  - (a) in paragraph (4) for the “the relevant committee” substitute “a relevant committee in England”;
  - (b) after paragraph (4) insert—
    - “(4A) Where, under this regulation, a relevant committee in Wales adjourns the hearing to a specified date it must, as soon as reasonably practicable, notify the parties—
    - (a) in the case of a hearing held through remote means only, of the date and time to which the hearing has been adjourned and how to access it; or
    - (b) in the case of a hearing held partly through remote means or not held through remote means, of the date, time and place to which the hearing has been adjourned and how to access it.”