



# Local Government (Democracy) (Wales) Act 2013

2013 anaw 4

## PART 3

### ARRANGEMENTS FOR LOCAL GOVERNMENT

#### CHAPTER 5

##### IMPLEMENTATION FOLLOWING REVIEW

*Further provision about implementation and implementation orders*

#### **43 Variation and revocation of orders**

- (1) Other than as provided for by this section, orders made under this section or section 37, 38 or 39 may not be varied or revoked.
- (2) The Welsh Ministers, the Commission or, as the case may be, a principal council may by order vary or revoke—
  - (a) any provision contained in an order made under this section or section 37, 38 or 39 which is of a type described in section 40(2);
  - (b) any similar provision contained in an order made under section 67 (consequential and transitional arrangements) or made by virtue of section 255 (transfer of officers) of the 1972 Act.
- (3) Except as provided for in subsections (4) and (5), an order to vary or revoke provisions of the type described in subsection (2) may be made only by the persons who, or body which, made the order containing the provision to be varied or revoked (“the original order”).
- (4) The Welsh Ministers make make an order under this section where the original order—
  - (a) was made by the Secretary of State and relates to Wales, or

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*Changes to legislation: There are currently no known outstanding effects for the Local Government (Democracy) (Wales) Act 2013, Section 43. (See end of Document for details)*

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- (b) was made by the National Assembly for Wales (as constituted under the Government of Wales Act 1998).
- (5) A principal council may make an order under this section where the original order was made by a predecessor council which no longer exists.
- (6) But an order made in pursuance of subsection (5) may vary or revoke provision in the original order only in so far as it relates to the principal council's area.
- (7) Before making an order under subsection (2) the Welsh Ministers, the Commission or, as the case may be, the principal council must comply with subsections (8) and (9).
- (8) The Welsh Ministers, the Commission or, as the case may be, the principal council must —
- (a) send a copy of a draft of the order to any local authority or public body they or it consider likely to be affected by the order,
  - (b) publish the draft order in such manner as they or it consider likely to bring it to the attention of persons who may have an interest in the order,
  - (c) secure that a copy of the draft order is available for inspection by interested persons at such places as they or it consider appropriate, and
  - (d) invite representations in relation to the draft order within the period of 2 months beginning on the date of publication under paragraph (b).
- (9) The Welsh Ministers, the Commission or, as the case may be, the principal council must consider any representations received within the 2 month period and may modify the order in light of such representations.
- (10) Where the Welsh Ministers, the Commission or, as the case may be, a principal council is satisfied that a mistake has occurred in the preparation of an order under this section or sections 37, 38 or 39 the Welsh Ministers, the Commission or the principal council may by order make such provision as they or it consider necessary or expedient to rectify the mistake.
- (11) In subsection (10), “mistake”, in relation to an order, includes a provision contained in or omitted from the order in reliance on information supplied by any public body which is inaccurate or incomplete.
- (12) The Welsh Ministers, the Commission or, as the case may be, a principal council may not exercise the power in subsection (10) in relation to an order made by someone else.
- [<sup>F1</sup>(12A) The Welsh Ministers may by order vary or revoke an order under this section or section 37, 38 or 39 (regardless of whether they made the order) in consequence of regulations under paragraph 9 or 10 of Schedule 1 to the Local Government and Elections (Wales) Act 2021.]
- (13) In this section, “public body” has the same meaning as it has in section 40(6).

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**Textual Amendments**

**F1** S. 43(12A) inserted (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(1)(f)(2), [Sch. 1 para. 14](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government (Democracy) (Wales) Act 2013, Section 43.