



Local Government and Elections (Wales) Act 2021

2021 asc 1

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

PART 1

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172 Directions

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174 Regulations under this Act

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176 Short title

SCHEDULE 1 — Initial reviews of electoral arrangements etc.

Initial reviews

1 (1) For the purposes of this Act, an “initial review”...

“Area under review”

2 (1) In this Schedule, “area under review” is to be...

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Other terms used in this Schedule

- 3 (1) In this Schedule— “electoral arrangements” (“trefniadau etholiadol”) means— in...

Directions and guidance to Commission

- 4 (1) A direction under section 11 or 138 must specify...

Conduct of initial review

- 5 (1) The Commission, in considering the electoral arrangements for an...

Pre-review procedure

- 6 (1) Before conducting an initial review, the Commission must take...

Investigation and interim report

- 7 (1) In conducting an initial review, the Commission must carry...

Final report

- 8 (1) After the period for representations under paragraph 7(3) has...

Power to make regulations where recommendations are made

- 9 (1) After receiving a final report under paragraph 8 containing...

Power to make regulations where no recommendations are made

- 10 (1) If the Commission has not submitted a final report...

Regulations under paragraph 9 or 10: supplementary

- 11 (1) The Welsh Ministers may, for the purposes of making...

Subsequent reviews by the Commission where regulations are made under paragraph 9(1)(b) or 10(2)

- 12 (1) Where the Welsh Ministers make regulations under paragraph 9(1)(b)...

Delegation by the Commission of functions under this Schedule

- 13 In section 13(1) of the 2013 Act—

Orders under Part 3 of the Local Government (Democracy) (Wales) Act 2013 (anaw 4)

- 14 In section 43 of the 2013 Act (variation and revocation...

.SCHEDULE 2 — Minor and consequential amendments relating to Part 1: elections
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Local Government Act 1972 (c. 70)

- 1 (1) The 1972 Act is amended as follows.

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Representation of the People Act 1983 (c. 2)

- 2 (1) The 1983 Act is amended as follows.

Representation of the People Act 1985 (c. 50)

- 3 In section 15(2) of the Representation of the People Act...

Parliamentary Constituencies Act 1986 (c. 56)

- 4 In rule 9(3)(b) of Schedule 2 to the Parliamentary Constituencies...

Local Government and Housing Act 1989 (c. 42)

- 5 In section 12 of the Local Government and Housing Act...

Local Government (Wales) Act 1994 (c. 19)

- 6 In paragraph 68 of Schedule 16 to the Local Government...

Environment Act 1995 (c. 25)

- 7 In paragraph 2(4) of Schedule 7 to the Environment Act...

Representation of the People Act 2000 (c. 2)

- 8 (1) The Representation of the People Act 2000 is amended...

Local Government Act 2000 (c. 22)

- 9 (1) The 2000 Act is amended as follows.

Countryside and Rights of Way Act 2000 (c. 37)

- 10 In paragraph 4(3) of Schedule 13 to the Countryside and...

Political Parties, Elections and Referendums Act 2000 (c. 41)

- 11 In section 7(2)(d) of the Political Parties, Elections and Referendums...

Government of Wales Act 2006 (c. 32)

- 12 In section 17E of the Government of Wales Act 2006...

Local Government and Public Involvement in Health Act 2007 (c. 28)

- 13 (1) The Local Government and Public Involvement in Health Act...

Local Government (Wales) Measure 2011 (nawm 4)

- 14 (1) The Local Government (Wales) Measure 2011 is amended as...

Senedd and Elections (Wales) Act 2020 (anaw 1)

- 15 (1) The Senedd and Elections (Wales) Act 2020 is amended...

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Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341)

- 16 (1) The Representation of the People (England and Wales) Regulations...

Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294)

- 17 (1) The Representation of the People (Combination of Polls) (England...

Business Improvement Districts (Wales) Regulations 2005 (S.I. 2005/1312)

- 18 In regulation 6(1) of the Business Improvement Districts (Wales) Regulations...

Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304)

- 19 (1) The Local Elections (Principal Areas) (England and Wales) Rules...

SCHEDULE 3 — Amendments relating to Part 2: general power of competence
PART 1 — AMENDMENTS RELATING TO CHAPTER 1 OF PART 2: THE GENERAL POWER

Local Government Act 2000 (c. 22)

- 1 (1) Part 1 of the 2000 Act (promotion of economic,...

Local Government Act 2003 (c. 26)

- 2 In the Local Government Act 2003, in section 116 (local...

Local Government and Public Involvement in Health Act 2007 (c. 28)

- 3 In section 115 of the Local Government and Public Involvement...

Local Government (Wales) Measure 2009 (nawm 2)

- 4 In the 2009 Measure, in Schedule 2 (minor and consequential...

Local Government (Wales) Measure 2011 (nawm 4)

- 5 In the 2011 Measure, omit section 126(2) and (3) (which...

Localism Act 2011 (c. 20)

- 6 In the Localism Act 2011, in Schedule 1 (consequential amendments)...

Well-being of Future Generations (Wales) Act 2015 (anaw 2)

- 7 In the Well-being of Future Generations (Wales) Act 2015, in...

This Act

- 8 In Schedule 14 to this Act, omit paragraph 2.

PART 2 — AMENDMENTS RELATING TO CHAPTER 2 OF PART 2: ELIGIBLE COMMUNITY COUNCILS

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Local Government Act 1972 (c. 70)

- 9 In the 1972 Act, in section 137(9) (power of local...

Local Government Act 2000 (c. 22)

- 10 In the 2000 Act, omit sections 2 and 3 (community...

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 11 (1) The Nationality, Immigration and Asylum Act 2002 is amended...

Local Government Act 2003 (c. 26)

- 12 (1) The Local Government Act 2003 is amended as follows....

Local Government (Wales) Measure 2011 (nawm 4)

- 13 (1) The 2011 Measure is amended as follows.

Localism Act 2011 (c. 20)

- 14 In the Localism Act 2011, in Schedule 1 (consequential amendments)...

This Act

- 15 In Part 1 of this Schedule, in paragraph 1 omit...

SCHEDULE 4 — Notice of local authority meetings, access to documents and attendance at meetings

PART 1 — NOTICE OF LOCAL AUTHORITY MEETINGS AND ACCESS TO DOCUMENTS

Notices of local authority meetings

- 1 In section 100A of the 1972 Act (admission to meetings...
2 In section 100K of the 1972 Act (interpretation and application...
3 In paragraph 4 of Schedule 12 to the 1972 Act...
4 In paragraph 26 of Schedule 12 to the 1972 Act...
5 In section 1 of the Public Bodies (Admission to Meetings)...

Copies and publication of documents relating to meetings of local authorities

- 6 (1) Section 100B of the 1972 Act (access to agenda...
7 After section 100B of the 1972 Act (access to agenda...
8 (1) Section 100C of the 1972 Act (inspection of minutes...
9 (1) Section 100D of the 1972 Act (background papers) is...
10 (1) Section 100H of the 1972 Act (supplemental provision about...
11 In section 228(1) of the 1972 Act (minutes of community...
12 After paragraph 26 of Schedule 12 to the 1972 Act...

Application to committees and sub-committees

- 13 In section 100E of the 1972 Act (application to committees...

Application and interpretation

- 14 In section 100J of the 1972 Act (application to other...

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- 15 In section 100K of the 1972 Act (interpretation and application...
- 16 In section 270 of the 1972 Act (interpretation), after subsection...

Publication of public notices given by local authorities

- 17 (1) Section 232 of the 1972 Act (public notices) is...
- 18 In Schedule 7 to the Environment Act 1995 (c. 25)...

Electronic service of summonses on members to attend local authority meetings

- 19 (1) Schedule 12 to the 1972 Act is amended as...

Venue for community council meetings

- 20 (1) In paragraph 26 of Schedule 12 to the 1972...

Notices of community council committee and sub-committee meetings to be published

- 21 In paragraph 26 of Schedule 12 to the 1972 Act,...

Saving provision

- 22 Sections 100A to 100D and 100H of the 1972 Act...

PART 2 — ATTENDANCE AT LOCAL AUTHORITY MEETINGS:
CONSEQUENTIAL AMENDMENTS

Attendance at local authority meetings: amendments consequential on section 47

- 23 (1) In Part 4 of Schedule 12 to the 1972...

SCHEDULE 5 — Consequential amendments relating to chief executives

Local Government Act 1972 (c. 70)

- 1 In section 112(2A) of the 1972 Act (determination by councils...

Local Government Finance Act 1988 (c. 41)

- 2 The Local Government Finance Act 1988 is amended as follows....
- 3 In section 114(3A) (consultation by chief finance officer in preparing...
- 4 In section 114A(3) (consultation by chief finance officer in preparing...

Local Government and Housing Act 1989 (c. 42)

- 5 The Local Government and Housing Act 1989 is amended as...
- 6 In section 1 (disqualification and political restriction of certain officers...
- 7 In section 2 (politically restricted posts)— (a) after subsection (1)...
- 8 In section 4(6) (definition of “relevant authority”)—
- 9 In section 5 (designation and reports of monitoring officer)—
- 10 In section 5A(5) (consultation by monitoring officer on reports where...
- 11 In section 21 (interpretation of Part 1), in subsection (3)...

Local Government (Wales) Measure 2011 (nawm 4)

- 12 The 2011 Measure is amended as follows.
- 13 In section 8(4) (officers who may not be designated head...
- 14 In section 9(4) (functions of head of democratic services), for...
- 15 In section 143A (functions of the Independent Remuneration Panel for...

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

16 In section 75 of the Police Reform and Social Responsibility...

Localism Act 2011 (c. 20)

17 In section 43(2) of the Localism Act 2011 (definition of...

Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)

18 In section 77 of the Anti-social Behaviour, Crime and Policing...

Well-being of Future Generations (Wales) Act 2015 (anaw 2)

19 In the second column of the table in paragraph 7...

This Act

20 In this Act, omit paragraph 1(10) of Schedule 12.

SCHEDULE 6 — Consequential amendments etc. relating to assistants to local authority executives

Local Government Act 1972 (c. 70)

- 1 (1) The 1972 Act is amended as follows.
- 2 (1) Until paragraph 1(3) of Schedule 2 to this Act...

Pilotage Act 1987 (c. 21)

3 In section 3 of the Pilotage Act 1987 (authorisation of...

Local Government Finance Act 1992 (c. 14)

4 In section 106(2A) of the Local Government Finance Act 1992...

Local Government Act 2000 (c. 22)

5 In section 21(9) of the 2000 Act (overview and scrutiny...

Local Government (Wales) Measure 2011 (nawm 4)

6 (1) The 2011 Measure is amended as follows.

SCHEDULE 7 — Job-sharing by executive leaders and executive members

Local Government Act 2000 (c. 22)

- 1 The 2000 Act is amended as follows.
- 2 In section 11 (executives)— (a) after subsection (8) insert—
- 3 In section 83 (interpretation of Part 3), in subsection (1)...
- 4 In section 106 (Wales: orders and regulations), in subsection (6)...
- 5 (1) Schedule 1 (executive arrangements) is amended as follows.

Local Government and Public Involvement in Health Act 2007 (c. 28)

6 (1) The Local Government and Public Involvement in Health Act...

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Localism Act 2011 (c. 20)

7 In Schedule 3 to the Localism Act 2011 (minor and...

SCHEDULE 8 — Conduct of local government members: investigations by the Public Services Ombudsman for Wales

Local Government Act 2000 (c. 22)

- 1 The 2000 Act is amended as follows.
- 2 In section 69 (investigations by the Public Services Ombudsman for...
- 3 After section 69 of the 2000 Act insert— Possible conflict...
- 4 In section 70 (investigations: further provisions)— (a) omit subsections (1)...
- 5 For section 74 (law of defamation) substitute— Law of defamation...
- 6 In section 106(7) (Wales: orders and regulations), before “may not”...

Government of Wales Act 2006 (c. 32)

7 In table 1 in paragraph 35(3) of Schedule 11 to...

Localism Act 2011 (c. 20)

8 In Schedule 4 to the Localism Act 2011 (conduct of...

Social Services and Well-being (Wales) Act 2014 (anaw 4)

9 In Schedule 3 to the Social Services and Well-being (Wales)...

Public Services Ombudsman (Wales) Act 2019 (anaw 3)

10 In Schedule 5 to the Public Services Ombudsman (Wales) Act...

SCHEDULE 9 — Amendments related to Corporate Joint Committees

PART 1 — CREATION OF STRATEGIC PLANNING FUNCTIONS FOR CERTAIN CORPORATE JOINT COMMITTEES AND REPEAL OF POWERS TO ESTABLISH STRATEGIC PLANNING PANELS ETC.

Planning and Compulsory Purchase Act 2004 (c. 5)

- 1 The Planning and Compulsory Purchase Act 2004 is amended as...
- 2 In section 38(4) (development plan), for paragraph (b) substitute—
- 3 Omit sections 60D to 60J (strategic planning panels and strategic...
- 4 Before the cross-heading which precedes section 61 insert— Strategic planning...
- 5 In section 62 (local development plan)— (a) in subsection (3A),...
- 6 In section 68A (duty to consider whether to review local...
- 7 In section 113 (validity of strategies, plans and documents)—
- 8 Omit Schedule 2A (strategic planning panels).

Planning (Wales) Act 2015 (anaw 4)

- 9 The Planning (Wales) Act 2015 is amended as follows.
- 10 Omit sections 4 to 6 and the cross-heading which precedes...
- 11 Omit Schedule 1 (strategic planning panels).
- 12 In Schedule 2 (development planning: further amendments), omit the following—...

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Local Authorities (Goods and Services) Act 1970 (c. 39)

- 13 In section 1 of the Local Authorities (Goods and Services)...

Local Government Act 1972 (c. 70)

- 14 In section 80 of the Local Government Act 1972 (disqualifications...

Welsh Development Agency Act 1975 (c. 70)

- 15 The Welsh Development Agency Act 1975 is amended as follows....
16 In section 21A (powers of land acquisition), in subsection (5),...
17 In section 21C (powers to advise on land matters), in...
18 In section 27 (interpretation), in subsection (1), in the appropriate...
19 In Schedule 4 (acquisition of land)— (a) in Part 1...

Wildlife and Countryside Act 1981 (c. 69)

- 20 The Wildlife and Countryside Act 1981 is amended as follows....
21 In section 27AA (sites of special scientific interest and limestone...
22 In section 37A (notification of designation of Ramsar sites), in...

Town and Country Planning Act 1990 (c. 8)

- 23 The Town and Country Planning Act 1990 is amended as...
24 In section 83 (making of simplified planning zone schemes), in...
25 In section 293A (urgent Crown development: application for planning permission),...
26 (1) Section 303A (responsibility of local planning authorities for costs...
27 In section 306 (contributions by local authorities and statutory undertakers),...
28 In section 324 (rights of entry)— (a) subsection (1B) (as...
29 In section 336 (interpretation), in subsection (1)—

Water Resources Act 1991 (c. 57)

- 30 In Schedule 6 to the Water Resources Act 1991 (orders...

Coal Industry Act 1994 (c. 21)

- 31 The Coal Industry Act 1994 is amended as follows.
32 In section 39 (right to withdraw support from land: notice),...
33 In section 41 (revocation of right to withdraw support), in...

Environment Act 1995 (c. 25)

- 34 (1) Section 66 of the Environment Act 1995 (National Park...

Local Government Act 2000 (c. 22)

- 35 In section 83 of the Local Government Act 2000 (conduct...

Freedom of Information Act 2000 (c. 36)

- 36 In Part 2 of Schedule 1 to the Freedom of...

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Countryside and Rights of Way Act 2000 (c. 37)

37 In section 85 of the Countryside and Rights of Way...

Finance Act 2003 (c. 14)

38 In section 66 of the Finance Act 2003 (stamp duty...

Planning and Energy Act 2008 (c. 21)

39 The Planning and Energy Act 2008 is amended as follows....

40 (1) Section 1 (energy policies) is amended as follows.

41 In section 2 (interpretation)— (a) in the appropriate place insert—...

Marine and Coastal Access Act 2009 (c. 23)

42 (1) Paragraph 1 of Schedule 6 to the Marine and...

Equality Act 2010 (c. 15)

43 In Part 2 of Schedule 19 to the Equality Act...

Welsh Language (Wales) Measure 2011 (nawm 1)

44 (1) Schedule 6 to the Welsh Language (Wales) Measure 2011...

Local Government (Wales) Measure 2011 (nawm 4)

45 In section 144 of the Local Government (Wales) Measure 2011...

Environment (Wales) Act 2016 (anaw 3)

46 In section 6 of the Environment (Wales) Act 2016 (biodiversity...

Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (anaw 1)

47 In the Land Transaction Tax and Anti-avoidance of Devolved Taxes...

Public Services Ombudsman (Wales) Act 2019 (anaw 3)

48 In Schedule 3 to the Public Services Ombudsman (Wales) Act...

PART 2 — REPEAL OF POWER TO ESTABLISH JOINT TRANSPORT
AUTHORITIES

Transport (Wales) Act 2006 (c. 5)

49 In the Transport (Wales) Act 2006— (a) omit section 5...

Government of Wales Act 2006 (c. 32)

50 In table 1 in paragraph 35(3) of Schedule 11 to...

SCHEDULE 10 — Consequential amendments relating to renaming of principal
council audit committees

Local Government (Wales) Measure 2011 (nawm 4)

1 The 2011 Measure is amended as follows.

2 In the title of Chapter 2 of Part 6, before...

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- 3 In section 81 (local authorities to appoint audit committees)—
- 4 In section 82 (membership)— (a) in subsection (1), after “of...
- 5 In section 83 (proceedings etc.)— (a) in subsection (1), for...
- 6 In section 84 (frequency of meetings)— (a) in subsection (1),...
- 7 In section 85 (guidance)— (a) in subsection (1)—
- 8 In section 86 (termination of membership)— (a) in subsection (1),...
- 9 In section 87 (interpretation etc.), in subsection (2) omit the...

This Act

- 10 In this Act, omit paragraph 7(4) of Schedule 11.

SCHEDULE 11 — Transition committees of merging councils and restructuring councils

PART 1 — MERGING COUNCILS

Transition committees for merging councils

- 1 (1) Merging councils must establish a transition committee immediately after...

Membership of transition committees for merging councils

- 2 (1) A transition committee must consist of an equal number...

Functions of transition committees for merging councils

- 3 (1) A transition committee must provide to the merging councils,...

PART 2 — RESTRUCTURING COUNCILS

Transition committees for restructuring councils

- 4 (1) After giving notice as described in section 129(6), the...

PART 3 — TRANSITION COMMITTEES OF MERGING COUNCILS AND RESTRUCTURING COUNCILS

Sub-committees of transition committees for merging councils or restructuring councils

- 5 (1) A transition committee may establish one or more sub-committees....

Provision of funding, facilities and information etc. to transition committees for merging councils or restructuring councils

- 6 (1) The merging councils or restructuring councils must meet the...

Transition committees for merging councils or restructuring councils: further provision

- 7 (1) The Welsh Ministers may direct a transition committee to...

SCHEDULE 12 — Restraints on transactions and recruitment etc. by merging councils and restructuring councils

Restraining transactions and recruitment etc. by direction

- 1 (1) After receiving a merger application or after giving notice...

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Directions under paragraph 1: supplementary

- 2 (1) This paragraph applies in relation to a direction under...

Directions under paragraph 1: further provision about reserves

- 3 (1) A direction under paragraph 1— (a) may provide that...

Directions under paragraph 1(3): supplementary

- 4 (1) This paragraph applies in relation to a direction under...

Directions: consequences of contravention

- 5 (1) An acquisition or disposal made in contravention of a...

Interpretation of paragraphs 1 and 7

- 6 (1) In paragraphs 1 and 7, “relevant land acquisition or...

Determining whether financial limits have been exceeded

- 7 (1) For the purpose of making a determination as to...

Financial limits: further provision

- 8 (1) Where the consideration, or any of the consideration, in...

Guidance in relation to transactions, recruitment etc.

- 9 (1) A person specified in a direction under paragraph 1...

SCHEDULE 13 — Abolition of polls consequent on community meetings under the 1972 Act

Local Government Act 1972 (c. 70)

- 1 The 1972 Act is amended as follows.
2 Omit sections 33B and 33C (principal council's response to a...
3 In section 150(7) (expenses of polls)— (a) omit, in the...
4 In section 243(3) (computation of time)— (a) omit “or community”...
5 In Schedule 12, omit paragraphs 26A and 29A (response by...
6 (1) In Schedule 12, paragraph 34 (the making of decisions...
7 In paragraph 37 of Schedule 12 (lending of ballot boxes...
8 In paragraph 38 of Schedule 12 (offences) for “poll consequent...
9 In Schedule 12, omit paragraphs 38A and 38B (notification of...

Local Government and Housing Act 1989 (c. 42)

- 10 In the Local Government and Housing Act 1989, in section...

Local Government (Wales) Measure 2011 (nawm 4)

- 11 In the 2011 Measure, omit sections 93 to 99.

This Act

- 12 In this Act, omit paragraph 1(8) of Schedule 2 (amendment...

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SCHEDULE 14 — Consequential amendments relating to merger and demerger of public services boards

Well-being of Future Generations (Wales) Act 2015 (anaw 2)

- 1 (1) The Well-being of Future Generations (Wales) Act 2015 is...

Local Government Act 2000 (c. 22)

- 2 In the 2000 Act, in subsection (3B) of section 2...

Education Act 2002 (c. 32)

- 3 In the Education Act 2002, in section 21(9)(b) (relevant children...

Planning and Compulsory Purchase Act 2004 (c. 5)

- 4 In the Planning and Compulsory Purchase Act 2004, in section...

Children Act 2004 (c. 31)

- 5 In the Children Act 2004, in section 25(9A) (co-operation to...

Children and Families (Wales) Measure 2010 (nawm 1)

- 6 (1) The Children and Families (Wales) Measure 2010 is amended...

Mental Health (Wales) Measure 2010 (nawm 7)

- 7 In the Mental Health (Wales) Measure 2010, in section 2(2A)...

Social Services and Well-being (Wales) Act 2014 (anaw 4)

- 8 In the Social Services and Well-being (Wales) Act 2014, in...

Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3)

- 9 In the Violence against Women, Domestic Abuse and Sexual Violence...

Status:

Point in time view as at 01/04/2021.

Changes to legislation:

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