

**Changes to legislation:** Local Government and Elections (Wales) Act 2021, SCHEDULE 3 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULE 3

(introduced by sections 29 and 37)

### 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, social or environmental well-being etc.) is amended as follows.
- <sup>F1</sup>(2) .....
- <sup>F1</sup>(3) .....
- (4) Omit section 5 (power to amend or repeal enactments).
- (5) In section 7 (power to modify enactments concerning plans etc.), in subsection (1) for “subsections (4) and (6)” substitute “ subsection (4) ”.
- (6) In the cross-heading preceding section 9, for the words after “under” substitute “ this Part ”.
- (7) In section 9A (procedure for orders under sections 5 and 7)—
- (a) in subsection (1), omit “5 or”;
  - (b) in subsection (2), omit “5 or”;
  - (c) in subsection (3)—
    - (i) omit “5 or”;
    - (ii) omit “5(3A) or”;
  - (d) in subsections (5) to (7) and the heading, omit “5 or” in each place where it occurs.

#### **Textual Amendments**

**F1** Sch. 3 para. 1(2)(3) omitted (5.5.2022) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), Sch. 3 para. 15; S.I. 2021/231, art. 6(r)

#### **Commencement Information**

**I1** Sch. 3 para. 1 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

###### *Local Government Act 2003 (c. 26)*

- 2 In the Local Government Act 2003, in section 116 (local polls)—
- (a) in paragraph (a)(ii), for “services, or” substitute “ services. ”;
  - (b) omit paragraph (b).

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**Commencement Information**

**I2** Sch. 3 para. 2 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

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

- 3 In section 115 of the Local Government and Public Involvement in Health Act 2007 (orders under Part 1 of the 2000 Act), omit subsections (3) and (4).

**Commencement Information**

**I3** Sch. 3 para. 3 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

*Local Government (Wales) Measure 2009 (nawm 2)*

- 4 In the 2009 Measure, in Schedule 2 (minor and consequential amendments) omit paragraphs 1 and 2 and the cross-heading preceding them.

**Commencement Information**

**I4** Sch. 3 para. 4 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

*Local Government (Wales) Measure 2011 (nawm 4)*

- 5 In the 2011 Measure, omit section 126(2) and (3) (which amend sections 2 and 5 of the 2000 Act).

**Commencement Information**

**I5** Sch. 3 para. 5 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

*Localism Act 2011 (c. 20)*

- 6 In the Localism Act 2011, in Schedule 1 (consequential amendments) omit paragraph 3.

**Commencement Information**

**I6** Sch. 3 para. 6 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

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

- 7 In the Well-being of Future Generations (Wales) Act 2015, in Schedule 4 (public services boards: consequential amendments and repeals) omit paragraphs 3 and 4.

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**Commencement Information**

**I7** Sch. 3 para. 7 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

*This Act*

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

**Commencement Information**

**I8** Sch. 3 para. 8 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

**PART 2**

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

*Local Government Act 1972 (c. 70)*

9 In the 1972 Act, in section 137(9) (power of local authorities to incur expenditure for certain purposes not otherwise authorised), in paragraph (b) after “community council” insert “ which is not an eligible community council for the purposes of Part 2 of the Local Government and Elections (Wales) Act 2021 (general power of competence) ”.

**Commencement Information**

**I9** Sch. 3 para. 9 in force at 5.5.2022 by S.I. 2021/231, art. 6(r)

*Local Government Act 2000 (c. 22)*

10 In the 2000 Act, omit sections 2 and 3 (community councils' power to promote well-being).

**Commencement Information**

**I10** Sch. 3 para. 10 in force at 5.5.2022 by S.I. 2021/231, art. 6(r) (with art. 7)

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

11 (1) The Nationality, Immigration and Asylum Act 2002 is amended as follows.  
(2) In section 55 (late claims: refusal of support), in subsection (4) omit paragraph (c) (but not the “and” which follows it).  
(3) In Schedule 3 (withholding and withdrawal of support), in paragraph 1(1) omit paragraph (k).

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**Commencement Information**

**III** Sch. 3 para. 11 in force at 5.5.2022 by S.I. 2021/231, art. 6(r)

*Local Government Act 2003 (c. 26)*

- 12 (1) The Local Government Act 2003 is amended as follows.
- (2) In section 93 (power to charge for discretionary services), in subsection (7) omit paragraph (c).
- (3) In Schedule 3 (amendment of certain powers), omit paragraph 12.

**Commencement Information**

**III** Sch. 3 para. 12 in force at 5.5.2022 by S.I. 2021/231, art. 6(r)

*Local Government (Wales) Measure 2011 (nawm 4)*

- 13 (1) The 2011 Measure is amended as follows.
- (2) Omit section 127 (enactments preventing a community council from exercising its well-being power).
- (3) Omit Chapter 9 of Part 7 (quality accreditation in community government).
- (4) In section 172 (orders and regulations)—
- (a) in subsection (2)(a), omit “or 140”;
  - (b) in subsection (2)(b) omit “127 or”.
- (5) Omit section 173 (procedure applicable to certain orders under section 127).

**Commencement Information**

**III** Sch. 3 para. 13 in force at 5.5.2022 by S.I. 2021/231, art. 6(r)

*Localism Act 2011 (c. 20)*

- 14 In the Localism Act 2011, in Schedule 1 (consequential amendments) omit paragraphs 2 and 4 and the cross-heading preceding paragraph 2.

**Commencement Information**

**III** Sch. 3 para. 14 in force at 5.5.2022 by S.I. 2021/231, art. 6(r)

*This Act*

- 15 In Part 1 of this Schedule, in paragraph 1 omit sub-paragraphs (2) and (3).

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**Commencement Information**

**I15** Sch. 3 para. 15 in force at 5.5.2022 by S.I. 2021/231, art. 6(r)

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**Changes and effects yet to be applied to :**

- Sch. 3 para. 4 omitted by [2021 asc 1 s. 170\(2\)\(f\)\(ii\)](#)