

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.
- (2) In section 2 (promotion of well-being)—
 - (a) in subsection (1)—
 - (i) for “local authority in Wales are” substitute “community council is”;
 - (ii) for “they consider” substitute “it considers”;
 - (iii) in paragraphs (a) to (c) for “their” in each place it occurs substitute “its”;
 - (b) in subsection (2), in paragraphs (a) and (b) for “local authority’s” in each place it occurs substitute “community council’s”;
 - (c) for subsections (3B) and (3C) substitute—

“(3B) In determining whether or how to exercise the power under subsection (1), a community council must have regard to the local well-being plan published under Part 4 of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#) by the public services board that includes as a member the county council or county borough council in whose area lies the community or communities for which the community council is established.”;
 - (d) in subsection (4), for “local authority” substitute “community council”;
 - (e) in subsection (5)—
 - (i) for “local authority” substitute “community council”;
 - (ii) for “their area if they consider” substitute “its area if it considers”;
 - (f) in the heading of section 2, at the end insert “by community councils”.
- (3) In section 3 (limits on power to promote well-being)—
 - (a) in subsection (1)—
 - (i) for “local authority” substitute “community council”;
 - (ii) for “they are” substitute “it is”;
 - (iii) for “their” substitute “its”;
 - (b) in subsection (2), for “local authority” substitute “community council”;
 - (c) in subsection (3), for “local authorities” substitute “community councils”;
 - (d) in subsection (3A)—
 - (i) in paragraphs (a) and (b), for “local authorities” in each place it occurs substitute “community councils”;
 - (ii) in paragraph (c), for “local authority” substitute “community council”;
 - (e) in subsection (4), for “he considers” substitute “they consider”;

Status: This is the original version (as it was originally enacted).

- (f) in subsection (4A), in paragraphs (a) and (b) for “authority or to authorities” in each place it occurs substitute “community council or to community councils”;
 - (g) in subsection (5), for “local authority” substitute “community council”;
 - (h) in subsection (6), for “he considers” substitute “they consider”.
- (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.

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).

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).

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.

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).

Localism Act 2011 (c. 20)

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

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.

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

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)”.

Local Government Act 2000 (c. 22)

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

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).

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.

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)—

Status: This is the original version (as it was originally enacted).

- (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).

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.

This Act

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