

SCHEDULE 1

(introduced by sections 11 and 138)

INITIAL REVIEWS OF ELECTORAL ARRANGEMENTS ETC.

Initial reviews

- 1 (1) For the purposes of this Act, an “initial review” is a review conducted by the Local Democracy and Boundary Commission for Wales (“the Commission”) for the purpose of recommending electoral arrangements for the area under review.
- (2) In an initial review the Commission may also recommend relevant consequential changes.
- (3) This paragraph is subject to anything specified, under section 11(3) or 138(3), in the direction requiring the Commission to conduct an initial review.

“Area under review”

- 2 (1) In this Schedule, “area under review” is to be interpreted in accordance with this paragraph.
- (2) Where the Commission is directed under section 11 to conduct an initial review, the area under review is the area of the principal council that has exercised its power under section 8 to change the voting system that applies to the election of its councillors.
- (3) Where, after the Welsh Ministers receive a merger application, the Commission is directed under section 138 to conduct an initial review, the area under review is the new principal area that is to be, or is, constituted by merger regulations.
- (4) Where—
 - (a) after the Welsh Ministers have given notice of their proposals as described in section 129(6), the Commission is directed under section 138 to conduct an initial review, and
 - (b) the transfer of part of the principal area to be abolished to another principal area is proposed, or provided for in restructuring regulations,the area under review is the area specified in the direction under section 138.
- (5) Where—
 - (a) after the Welsh Ministers have given notice of their proposals as described in section 129(6), the Commission is directed under section 138 to conduct an initial review, and
 - (b) the constitution of a new principal area is proposed, or provided for in restructuring regulations,the area under review is the new principal area that is to be constituted by restructuring regulations.

Other terms used in this Schedule

- 3 (1) In this Schedule—

“electoral arrangements” (“*trefniadau etholiadol*”) means—

 - (a) in relation to an area under review—
 - (i) the number of councillors of the principal council for the area;

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- (ii) the number, type and boundaries of the electoral wards into which the area is divided for the purpose of the election of councillors of the principal council;
- (iii) the number of councillors to be elected for each electoral ward;
- (iv) the name of each electoral ward;
- (b) in relation to a community in an area under review—
 - (i) the number of councillors of a council for the community;
 - (ii) its division into community wards for the purpose of the election of councillors of a council for the community;
 - (iii) the number, type and boundaries of any community wards;
 - (iv) the number of councillors to be elected for any community ward;
 - (v) the name of any community ward;
- “relevant consequential changes” (“*newidiadau canlyniadol perthnasol*”), in relation to an area under review, means—
 - (a) changes in the boundaries of communities in the area;
 - (b) changes to the name of a community, or the council for a community, for which a boundary change is recommended;
 - (c) changes to the electoral arrangements for a community in the area.
- (2) In sub-paragraph (1), in the definition of “electoral arrangements” the references to the type of ward are to whether the ward is a single member ward or a multiple member ward; and for this purpose—
 - “multiple member ward” (“*ward amlaelod*”) means a ward in respect of which a specified number (greater than one) of councillors are to be elected for the ward;
 - “single member ward” (“*ward un aelod*”) means a ward in respect of which only one councillor is to be elected.
- (3) Section 149 makes provision about the meanings of terms used in this Schedule.

Directions and guidance to Commission

- 4 (1) A direction under section 11 or 138 must specify the date by which the Commission must submit its final report to the Welsh Ministers under paragraph 8(3)(a).
- (2) A direction under section 11 or 138 may require the Commission to have regard to particular matters specified in the direction when conducting the initial review.
- (3) The Welsh Ministers may give general directions about the conduct of initial reviews, including—
 - (a) directions as to the order in which different initial reviews required by directions under section 11 or 138 are to be conducted and as to whether different reviews are to be conducted at the same time, and
 - (b) directions specifying matters to which the Commission must have regard in conducting initial reviews.
- (4) Before giving a direction under sub-paragraph (3), the Welsh Ministers must consult—
 - (a) the Commission, and
 - (b) such other persons as the Welsh Ministers consider appropriate.

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- (5) The Welsh Ministers may direct the Commission to stop conducting an initial review, and to take no further steps in relation to the review.
- (6) The Welsh Ministers may, after the publication by the Commission of an interim report under paragraph 7(2) in relation to an area under review, direct the Commission under section 11 or 138 to conduct another initial review in relation to the same area.
- (7) The Commission must have regard to any guidance issued by the Welsh Ministers about the conduct of initial reviews.

Conduct of initial review

- 5 (1) The Commission, in considering the electoral arrangements for an area under review, must—
- (a) seek to ensure that the ratio of local government electors to the number of councillors of the principal council to be elected for the area under review is, as nearly as may be, the same in every electoral ward of the area of the council, and
 - (b) have regard to—
 - (i) the desirability of setting boundaries for electoral wards which are and will remain easily identifiable, and
 - (ii) the desirability of not breaking local ties when setting boundaries for electoral wards.
- (2) For the purposes of sub-paragraph (1)(a) account is to be taken of—
- (a) any discrepancy between the number of local government electors and the number of persons who are eligible to be local government electors (as indicated by relevant official statistics), and
 - (b) any change in the number or distribution of local government electors in the area under review which is likely to take place in the period of five years beginning immediately after recommendations are made.
- (3) The Welsh Ministers may, for the purposes of an initial review, direct a principal council for an area under review or a council for a community in an area under review to provide the Commission with any information or documents which the Welsh Ministers consider appropriate.
- (4) In this paragraph and paragraph 6—
- “local government elector” (“*etholwr llywodraeth leol*”) means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts;
 - “relevant official statistics” (“*ystadegau swyddogol perthnasol*”) means the official statistics within the meaning of section 6 of the [Statistics and Registration Service Act 2007 \(c. 18\)](#) which the Commission considers appropriate.

Pre-review procedure

- 6 (1) Before conducting an initial review, the Commission must take the steps it considers appropriate—

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- (a) to make the mandatory consultees, and any other persons it considers likely to be interested in the review, aware of the direction to conduct the review and any other directions given by the Welsh Ministers which are relevant to the review, and
 - (b) to consult the mandatory consultees on its intended procedure and methodology for the initial review and, in particular, on how it proposes to determine the appropriate number of councillors of the principal council for the area under review.
- (2) In this Schedule, “the mandatory consultees” means—
- (a) in the case of an initial review conducted in accordance with a direction under section 11, the principal council of the area under review;
 - (b) in the case of an initial review conducted in accordance with a direction under section 138, the merging councils or the restructuring councils;
 - (c) the councils for the existing communities (if any) in the area under review;
 - (d) such other persons as are specified by the Welsh Ministers in a direction to conduct an initial review.

Investigation and interim report

- 7 (1) In conducting an initial review, the Commission must carry out the investigations it considers appropriate.
- (2) After carrying out the investigations under sub-paragraph (1), the Commission must make an interim report containing—
- (a) its proposals for the electoral arrangements for the area under review and any proposals for relevant consequential changes, and
 - (b) details of the review it conducted.
- (3) The Commission must—
- (a) send the report to the Welsh Ministers and the mandatory consultees,
 - (b) publish the report,
 - (c) inform any person it considers appropriate of how to access the report,
 - (d) invite representations on the report, and
 - (e) notify the Welsh Ministers, the mandatory consultees and any other person it considers appropriate of the period for representations.
- (4) Where a principal council is sent a report under sub-paragraph (3)(a), it must—
- (a) publish the report,
 - (b) make the report available for inspection (without charge) at its offices during the period for representations, and
 - (c) take the steps it considers necessary to make the local government electors in its area aware of—
 - (i) the report,
 - (ii) how to access the report, and
 - (iii) the period for representations.
- (5) For the purposes of sub-paragraphs (3) and (4), “the period for representations” is a period of not less than six, nor more than 12, weeks (as determined by the Commission) beginning no earlier than one week after notice of the period is given under sub-paragraph (3)(e).

Final report

- 8
- (1) After the period for representations under paragraph 7(3) has ended, the Commission must consider its proposals having regard to any representations received by it during the period.
 - (2) The Commission must then make a final report containing—
 - (a) its recommendations for the electoral arrangements for the area under review and any recommendations for relevant consequential changes,
 - (b) details of the review it conducted, and
 - (c) details of any changes to the proposals in the interim report made in the light of the representations received, and an explanation of why those changes have been made.
 - (3) The Commission must—
 - (a) submit the final report to the Welsh Ministers,
 - (b) send a copy of the report to the other mandatory consultees and such other persons as it considers appropriate,
 - (c) publish the report, and
 - (d) inform any other person who submitted evidence or made representations in relation to the interim report published under paragraph 7, and such other persons as it considers appropriate, of how to access the report.
 - (4) Where a principal council is sent a final report under sub-paragraph (3)(b), it must—
 - (a) publish the final report,
 - (b) make the report available for inspection (without charge) at its offices for at least six weeks after the date on which it received the report, and
 - (c) take the steps it considers necessary to make the local government electors in its area aware of the report, and how to access the report.
 - (5) Section 29(8) of the 2013 Act (no recommendations to be made or published in nine months before ordinary election) does not apply in the case of a recommendation contained in a final report under sub-paragraph (2).

Power to make regulations where recommendations are made

- 9
- (1) After receiving a final report under paragraph 8 containing recommendations from the Commission in relation to an initial review, the Welsh Ministers may by regulations—
 - (a) implement any recommendation contained in the report, with or without modifications;
 - (b) make other provision they consider appropriate for the electoral arrangements and for relevant consequential changes for the area under review.
 - (2) The Welsh Ministers, in considering the electoral arrangements for an area under review for the purpose of making regulations under sub-paragraph (1), must do the things set out in paragraph 5(1)(a) and (b) (and paragraph 5(2) and (4) apply accordingly).
 - (3) No regulations may be made under sub-paragraph (1) until the end of the period of six weeks beginning with the date on which the report under paragraph 8 is published by the Commission.

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- (4) The Welsh Ministers may require the Commission to provide them with any further information or documents they consider appropriate in relation to the Commission’s recommendations.

Power to make regulations where no recommendations are made

- 10 (1) If the Commission has not submitted a final report to the Welsh Ministers under paragraph 8(3) by the date specified in the direction requiring the initial review to be conducted, the Welsh Ministers may make regulations under sub-paragraph (2).
- (2) Regulations under this sub-paragraph may make the provision the Welsh Ministers consider appropriate for the electoral arrangements for the area under review and any provision they consider appropriate for relevant consequential changes.
- (3) The Welsh Ministers, in considering the electoral arrangements for an area under review for the purpose of making regulations under sub-paragraph (2), must do the things set out in paragraph 5(1)(a) and (b) (and paragraph 5(2) and (4) apply accordingly).
- (4) The Welsh Ministers may require the Commission to provide them with any information or documents they consider appropriate in relation to any matters which have come to the Commission’s attention in consequence of—
- (a) any steps taken under paragraph 6,
 - (b) any investigation under paragraph 7,
 - (c) the preparation of a report under paragraph 7 or 8, or
 - (d) anything else done in the conduct of the initial review.

Regulations under paragraph 9 or 10: supplementary

- 11 (1) The Welsh Ministers may, for the purposes of making regulations under paragraph 9 or 10 or sub-paragraph (3), direct a principal council for an area under review or a council for a community in an area under review to provide the Welsh Ministers with any information or documents which the Welsh Ministers consider appropriate.
- (2) The Welsh Ministers must, before the end of the period of 7 days beginning with the day after the day on which regulations under paragraph 9 or 10 or sub-paragraph (3) are made, send a copy of the regulations to—
- (a) the Commission,
 - (b) the principal council or councils for the area under review, and
 - (c) the community councils for communities to which relevant consequential changes have been made under the regulations (if any).
- (3) The Welsh Ministers may by regulations amend or revoke regulations made under paragraph 9 or 10 (or this sub-paragraph).

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) or 10(2) the Commission must—
- (a) if the regulations follow from a direction under section 11 to conduct an initial review of a principal area, comply with sub-paragraph (2);

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- (b) if the regulations follow from a direction under section 138 to conduct an initial review of all or part of a principal area, comply with sub-paragraph (3).
- (2) The Commission must conduct a review under section 29(1) of the 2013 Act of the electoral arrangements for the principal area—
- (a) as soon as possible after the day of the first ordinary election of councillors to the principal council for that area in which the new voting system is applied, and
 - (b) in any event, before the day of the next ordinary election.
- (3) The Commission must conduct a review under section 29(1) of the 2013 Act of the electoral arrangements for the relevant principal area—
- (a) as soon as possible after the day of the first ordinary election of councillors to the principal council for that area following the coming into force of the regulations, and
 - (b) in any event, before the day of the next ordinary election.
- (4) In this paragraph—
- (a) in sub-paragraph (2), “the new voting system” means the voting system that applies to the election of councillors of the council as a consequence of the exercise of the power to change the voting system under section 8;
 - (b) in sub-paragraph (3), “the relevant principal area” means the principal area which was, or any part of which was, the area under review.

Delegation by the Commission of functions under this Schedule

- 13 In section 13(1) of the 2013 Act—
- (a) after “Part 3” insert “of this Act”;
 - (b) after “or local inquiries” insert “, or Schedule 1 to the Local Government and Elections (Wales) Act 2021 (functions relating to initial reviews),”.

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 of orders), after subsection (12) insert—
- “(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.”

SCHEDULE 2

(introduced by section 23)

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 1: ELECTIONS

PART 1

PRIMARY LEGISLATION

Local Government Act 1972 (c. 70)

- 1 (1) The 1972 Act is amended as follows.
- (2) In section 25 (term of office and retirement of councillors)—
 - (a) in subsection (1)—
 - (i) for “and Part 1” substitute “, Part 1”;
 - (ii) after “1983” insert “, and Part 1 of the Local Government and Elections (Wales) Act 2021”;
 - (b) in subsection (2)—
 - (i) for “divisions” substitute “wards”;
 - (ii) after “2013 (anaw 4)” insert “, or by regulations under paragraph 9 or 10 of Schedule 1 to the Local Government and Elections (Wales) Act 2021”;
 - (c) in subsection (3) for “division” substitute “ward”.
- (3) In section 80 (disqualifications for election and holding office as member of local authority)—
 - (a) in subsection (1), after “local authority”, where it first occurs, insert “in England”;
 - (b) in subsection (2), after “paid officer of a local authority” insert “in England”;
 - (c) omit subsection (3B);
 - (d) in the heading, for “local authority” substitute “a local authority in England”.
- (4) In section 86(1)(b) (declaration of vacancy of local authority member), after “otherwise than under” insert “section 80A(1)(c) of this Act,”.
- (5) In section 87(1)(date of casual vacancies), after paragraph (d) insert—
 - “(da) in the case of disqualification of a member of a local authority in Wales under paragraph (c) of section 80A(1), on the date on which the person becomes disqualified under that paragraph,”.
- (6) In section 89 (filling of casual vacancies in case of councillors), in subsection (6), at the end, insert “in the case of a parish council or, in the case of a community council, made under section 36A of the 1983 Act”.
- (7) In section 116 (members of local authorities not to be appointed as officers)—
 - (a) after “local authority”, in both places where it occurs, insert “in England”;
 - (b) in the heading, after “local authorities” insert “in England”.
- (8) In Schedule 12, in paragraph 34(5)(polls consequent on community meetings)—
 - (a) for “Secretary of State” substitute “Welsh Ministers”;
 - (b) for “section 36” substitute “section 36A”.

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- (9) In this Act, omit paragraph 2 of Schedule 6 (modification of sections 80 and 116 of the 1972 Act relating to assistants to the executive).

Representation of the People Act 1983 (c. 2)

- 2 (1) The 1983 Act is amended as follows.
- (2) In section 7B (notional residence: declarations of local connection)—
- (a) in subsection (2A), omit paragraph (a);
 - (b) for subsection (2B), substitute—
 - “(2B) The requirements are that the person—
 - (a) is under 18 years of age and is, or has been, a child who is looked after by a local authority, or
 - (b) is being kept in secure accommodation.”;
 - (c) omit subsection (2C);
 - (d) in subsection (2D), for “for the purpose of restricting the liberty of persons under the age of 18” substitute “in the United Kingdom provided for the purpose of lawfully restricting the liberty of persons under the age of 18, other than a penal institution within the meaning given in section 3(2)(b)”.
- (3) In section 31(1A) (polling districts and stations at local government elections), for “division” substitute “ward”.
- (4) In section 36 (local elections in England and Wales)—
- (a) in the heading, omit “and Wales”;
 - (b) omit subsection (3AB);
 - (c) in subsection (4)—
 - (i) after “principal area” insert “in England”;
 - (ii) omit “a county borough”;
 - (d) omit subsection (5A);
 - (e) in subsection (6)—
 - (i) omit “and Wales”;
 - (ii) omit “or community”;
 - (f) in subsection (6A), omit “and Wales”.
- (5) After section 36A (rules for local elections in Wales) (as inserted by section 13(3) of this Act) insert—

“36B Combination of local elections in Wales

- (1) Where the polls at—
- (a) the ordinary election of councillors of a Welsh county or county borough or an election to fill a casual vacancy occurring in the office of such a councillor, and
 - (b) the ordinary election of community councillors or an election to fill a casual vacancy occurring in the office of such a councillor,
- are to be taken on the same day and the elections are for related electoral areas, the polls at those elections must be taken together.

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- (2) For the purposes of this section electoral areas are related if they are coterminous or if one is situated within the other.
- (3) Where the polls at any elections are combined under this section the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination must be apportioned equally among the elections.
- (4) The Welsh Ministers may by regulations make provision in connection with the combining of polls at any elections under this section including provision modifying the Representation of the People Acts in relation to such elections.
- (5) Before making regulations under this section the Welsh Ministers must consult such persons as they consider appropriate.
- (6) The requirement to consult imposed by subsection (5) may be satisfied by consultation undertaken before the coming into force of this section.
- (7) The power to make regulations under this section is exercisable by statutory instrument.
- (8) Regulations must not be made under this section unless a draft of the regulations has been laid before and approved by a resolution of Senedd Cymru.

36C Expenditure by returning officers at local elections in Wales

- (1) All expenditure properly incurred by a returning officer in relation to the holding of an election of a councillor for a county or county borough in Wales must, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council for that area, exceed that scale, be paid by that council.
- (2) All the expenditure properly incurred by a returning officer in relation to the holding of an election of a community councillor must, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council of the county or county borough in which the community is situated (“the principal council”), exceed that scale, be paid by the principal council; and if the principal council so require, any expenditure so incurred must be repaid to them by the community council.
- (3) Before a poll is taken at an election of a councillor for any local government area in Wales the council of that area or, in the case of an election of a community councillor, the council who appointed the returning officer must, at the request of the returning officer (including any person acting as returning officer), advance to the officer such reasonable sum in respect of the officer’s expenses at the election as the officer may require.”
- (6) Regulations made under section 36(3C) of the 1983 Act that are in force immediately before the coming into force of section 13(2) continue in effect, so far as they apply to elections of councillors for local government areas in Wales, as if the regulations were made under section 36B(4) of that Act (as inserted by sub-paragraph (5)).
- (7) In section 39 (election to fill vacancy where local election void etc.)—
 - (a) in subsection (5)(a), after “section 36” insert “or section 36A”;

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- (b) in subsection (6), in paragraphs (a)(i) and (b)(i), after “section 36” insert “or section 36A”.
- (8) In section 40(3) (computing periods of time for local elections), after “section 36” insert “or section 36A”.
- (9) In section 46 (further provision as to local election voting)—
 - (a) in subsection (1), after “area”, where it first occurs, insert “in England”;
 - (b) in subsection (2), after “election” insert “in England”;
 - (c) in the heading, after “voting” insert “in England”.
- (10) After section 46 insert—

“46A Further provision as to local election voting in Wales

- (1) Subsection (2) applies to a local government election for an electoral area in Wales where a simple majority system applies.
- (2) An elector or person acting as proxy for an elector—
 - (a) may not give more than one vote for any one candidate;
 - (b) may not give more votes in all than the total number of councillors to be elected for the electoral ward.
- (3) Subsection (4) applies to an election for an electoral ward of a county council or county borough council in Wales where a single transferable vote system applies.
- (4) An elector or a person acting as proxy for an elector may not give more than one vote (whether as first preference or any subsequent preference) for any one candidate.
- (5) No person is subject to an incapacity to vote at a local government election in Wales by reason of the fact that the person is, or is acting as, the returning officer at that election.”
- (11) In section 48(1) (validity of local elections), after “section 36” insert “, section 36A”.
- (12) In section 49(5)(b) (effect of registers), after sub-paragraph (iv) insert—
 - “(v) in the case of a person registered as a local government elector in Wales or entered in the list of proxies by virtue of being a qualifying foreign citizen, a qualifying foreign citizen,”.
- (13) In the following provisions, after “section 36” insert “or section 36A”—
 - (a) section 90(1)(b) (election expenses at election of community or parish councillors);
 - (b) section 94(2) (imitation poll cards at local elections);
 - (c) section 96(1) (entitlement to use rooms for local election meetings);
 - (d) section 97(2)(b) (disturbances at local election meetings).
- (14) In section 99(1)(b) (officer or clerk not to act as candidate’s agent), after “section 36” insert “, section 36A”.
- (15) In section 139(6) (trial of election petition: equality of votes), in the words before paragraph (a), and in paragraph (a), after “section 36” insert “, section 36A”.

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- (16) In section 187(1) (application of Act to community council elections etc.) after “section 36” insert “or section 36A”.
- (17) In section 202(1) (general interpretation provisions), in the definition of “voter” after “section 36” insert “, 36A”.
- (18) In section 203(1) (local government provisions as to England and Wales)—
- (a) in the definition of “electoral area”, for paragraph (a) substitute—
 - “(a) in England, any electoral division or ward or, in the case of a parish in which there are no wards, the parish, for which the election of councillors is held under the local government Act;
 - (aa) in Wales, any electoral ward of a county council or county borough council or community ward or, in the case of a community in which there are no wards, the community, for which the election of councillors is held under the local government Act;”;
 - (b) in the appropriate place, insert—
 - ““simple majority system” has the meaning given by section 6(1) of the Local Government and Elections (Wales) Act 2021;
 - ”single transferable vote system” has the meaning given by section 6(2) of the Local Government and Elections (Wales) Act 2021.”

Representation of the People Act 1985 (c. 50)

- 3 In section 15(2) of the Representation of the People Act 1985 (combination of polls), after “section 36” insert “or section 36B”.

Parliamentary Constituencies Act 1986 (c. 56)

- 4 In rule 9(3)(b) of Schedule 2 to the Parliamentary Constituencies Act 1986 (meaning of “local government boundaries”), for “divisions” substitute “wards”.

Local Government and Housing Act 1989 (c. 42)

- 5 In section 12 of the Local Government and Housing Act 1989 (conflict of interest in staff negotiations), in subsection (2) after “section 80(1)(a)” insert “or section 80C(1)”.

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

- 6 In paragraph 68 of Schedule 16 to the Local Government (Wales) Act 1994 (consequential amendments)—
- (a) in sub-paragraph (8) omit the words from “and after that subsection insert —” to the end;
 - (b) omit sub-paragraph (9);
 - (c) in sub-paragraph (10) omit the words from “and after that subsection insert —” to the end.

Environment Act 1995 (c. 25)

- 7 In paragraph 2(4) of Schedule 7 to the Environment Act 1995 (local authority members of National Park authorities), for “divisions” substitute “wards”.

Representation of the People Act 2000 (c. 2)

- 8 (1) The Representation of the People Act 2000 is amended as follows.
- (2) In section 11 (revision of procedures in light of pilot schemes)—
- (a) in subsection (6)—
 - (i) omit “and Wales”;
 - (ii) after the second occurrence of “made” insert “in relation to local government elections in England”;
 - (b) after subsection (6), insert—

“(6A) Rules made under section 36A of the 1983 Act (local elections rules in Wales) may make such provision as the Welsh Ministers consider appropriate in connection with any provision made by an order under subsection (1) in relation to local government elections in Wales.”
- (3) In Schedule 4 (absent voting in Great Britain)—
- (a) in paragraph 1(1), in the definition of “the appropriate rules” in paragraph (b), after “section 36” insert “, section 36A”;
 - (b) in paragraph 6—
 - (i) in sub-paragraph (5), after “election” insert “(other than a local government election in Wales)”;
 - (ii) after sub-paragraph (5) insert—

“(5A) A person is not capable of voting as proxy at a local government election in Wales unless on the date of the election the person has attained the age of 16.”

Local Government Act 2000 (c. 22)

- 9 (1) The 2000 Act is amended as follows.
- (2) In section 85 (options for elections)—
- (a) in subsection (1) after “Part” insert “as it applies in relation to a principal council for an area in England,”;
 - (b) in that subsection, before “a principal council” insert “such”;
 - (c) in the heading, after “elections” insert “England”.
- (3) In section 86 (power to specify a scheme for elections), omit subsection (1).

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

- 10 In paragraph 4(3) of Schedule 13 to the Countryside and Rights of Way Act 2000 (local authority members of conservation boards) for “divisions” substitute “wards”.

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

- 11 In section 7(2)(d) of the Political Parties, Elections and Referendums Act 2000 (Electoral Commission to be consulted on changes to electoral law) omit “and Wales”.

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

Government of Wales Act 2006 (c. 32)

- 12 In section 17E of the Government of Wales Act 2006 (exception from disqualification of councillors from being Members of the Senedd), in subsection (4)(a), after “section 37ZA(1)” insert “or (1A)”.

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

- 13 (1) The Local Government and Public Involvement in Health Act 2007 is amended as follows.
- (2) In section 218 (definition of certain terms in enactments)—
- (a) in subsection (1), omit paragraph (a);
 - (b) in subsection (2), omit “the [Local Government Act 1972 \(c. 70\)](#).”
- (3) In Schedule 14, in paragraph 2(3) omit the subsection (3B) to be inserted into section 80 of the 1972 Act.

Local Government (Wales) Measure 2011 (nawm 4)

- 14 (1) The Local Government (Wales) Measure 2011 is amended as follows.
- (2) In section 56(3)(a) (exercise of functions by councillors), for “division” substitute “ward”.
- (3) In section 116(1)(b) (public notices relating to community council vacancy to be filled by co-option), for “section 36(2)” substitute “section 36A”.

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

- 15 (1) The Senedd and Elections (Wales) Act 2020 is amended as follows.
- (2) In section 24 (protection of information of persons aged under 16)—
- (a) in subsection (2), in the definition of “absent voters record or list”, after paragraph (b) insert—
 - “(c) so far as relating to local government elections, a record kept under paragraph 3(4) or 7(6) of Schedule 4 to the [Representation of the People Act 2000 \(c. 2\)](#) (absent voting);
 - (d) so far as relating to local government elections, a list kept under paragraph 5 or 7(8) of that Schedule;”;
 - (b) after subsection (2) insert—

“(3) In sections 25 and 26, “local government election” means—

 - (a) an election of councillors for any electoral ward or community ward in Wales or, in the case of a community in Wales in which there are no wards, the community, for which the election of councillors is held under the [Local Government Act 1972 \(c. 70\)](#), or
 - (b) an election for the return of an elected mayor (within the meaning of section 39(1) of the [Local Government Act 2000 \(c. 22\)](#)) of a local authority in Wales.”
- (3) In section 25 (exceptions from prohibition on disclosure)—

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

- (a) in subsection (3), for “32ZA(5) and (5A)” substitute “32ZBD(9) and (9A)”;
 - (b) in subsection (5)—
 - (i) in paragraph (b), after “Senedd” insert “, a member of a local authority in Wales, an elected mayor of a local authority in Wales or candidates at local government elections”;
 - (ii) in paragraph (c), after “elections” insert “or local government elections”;
 - (iii) for paragraph (e) substitute—
 - “(e) regulation 61 of the 2001 regulations (absent voters records or lists) so far as applying to local government elections and any enactment making provision equivalent to that regulation in relation to Senedd elections;”;
 - (iv) for paragraph (f), substitute—
 - “(f) regulation 98 of the 2001 regulations (supply to returning officers) so far as applying to returning officers of community councils and returning officers for any Senedd elections and any enactment making provision equivalent to regulation 98(4) in relation to Senedd elections.”
- (4) In section 26 (further provision for exceptions)—
- (a) in subsection (1), after “Senedd” insert “, local government elections or local referendums”;
 - (b) after subsection (4), insert—
 - “(5) In this section, “local referendum” means a referendum held under—
 - (a) section 27 of the [Local Government Act 2000 \(c. 22\)](#) or by virtue of regulations or an order made under Part 2 of that Act, or
 - (b) section 40 of the [Local Government \(Wales\) Measure 2011 \(nawm 2\)](#).”

PART 2

SUBORDINATE LEGISLATION

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

- 16 (1) The Representation of the People (England and Wales) Regulations 2001 are amended as follows.
- (2) In regulation 32(1) after “(aza),” insert “(azaa),”.
 - (3) In regulation 42—
 - (a) in paragraph (1), after “(3),” insert “(3A),”;
 - (b) after paragraph (3), insert—

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

“(3A) To indicate that a qualifying foreign citizen is registered only in the register of local government electors in Wales, the letter “M” shall be placed against the person’s entry.”

- (4) In regulation 65(b)—
- (a) omit “or (3AB)”;
 - (b) after “section 36” insert “or subsection (1) of section 36B”.

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 and Wales) Regulations 2004 are amended as follows.
- (2) In regulation 4(10), in the definition of “relevant enactment”, in paragraph (b)—
- (a) omit “(3AB) or”;
 - (b) after “(3AC)” insert “, or section 36B(1)”.
- (3) In regulation 5(1)—
- (a) in paragraph (c), after “election” insert “in England,”;
 - (b) after paragraph (c) insert—
 - “(ca) at a local government election in Wales, by those rules in the rules made under section 36A of the 1983 Act which correspond to the rules specified in paragraph (2);”.
- (4) In regulation 6—
- (a) in paragraph (1)(c)—
 - (i) after “section 36” insert “of the 1983 Act”;
 - (ii) omit “and Wales”;
 - (iii) before “of the 1983 ” insert “and subsections (1) to (3) of section 36C”;
 - (iv) after “Act” insert “(local elections in Wales)”;
 - (b) in paragraph (2) after “section 36(6)” insert “and section 36C(3)”;
 - (c) in paragraph (4)—
 - (i) omit “, (3AB)”;
 - (ii) after “(3AC)” insert “or section 36B(1)”.

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

- 18 In regulation 6(1) of the Business Improvement Districts (Wales) Regulations 2005 (ballot holder), for the words from “whom” to the end substitute “who, by virtue of section 35(1A) of the Representation of the People Act 1983, is the returning officer for elections to the relevant billing authority”.

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

- 19 (1) The Local Elections (Principal Areas) (England and Wales) Rules 2006 are amended as follows.
- (2) In Schedule 2, in rule 26 (equipment and documents to be provided at polling stations in local government elections)—

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

- (a) after paragraph (4) insert—
 - “(4A) In the case of an election of councillors of a principal area in Wales, the returning officer must cause to be displayed at each polling station an enlarged sample copy of the ballot paper.
 - (4B) The enlarged sample copy displayed may include a translation of the words on the ballot paper into such languages other than English and Welsh as the returning officer considers appropriate.”;
 - (b) in paragraph (5)(a)—
 - (i) at the beginning insert “in the case of an election of councillors of a principal area in England,”;
 - (ii) omit “and”;
 - (c) after paragraph (5)(a) insert—
 - “(aa) in the case of an election of councillors of a principal area in Wales, an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted; and”;
 - (d) after paragraph (5) insert—
 - “(5A) The sample copy of the ballot paper referred to in paragraph (4A) and (5)(aa) must be clearly marked as specimen and provided only for the guidance of voters.”
- (3) In Schedule 3, in rule 26 (equipment and documents to be provided at polling stations in local government election where poll combined with other polls)—
- (a) after paragraph (5) insert—
 - “(5A) In relation to an election of councillors of a principal area in Wales the returning officer must cause to be displayed inside each polling station an enlarged sample copy of the ballot paper.
 - (5B) The enlarged sample copy displayed may include a translation of the words on the ballot paper into such languages other than English and Welsh as the returning officer considers appropriate.”;
 - (b) in paragraph (6)(a)—
 - (i) at the beginning insert “In relation to an election of councillors of a principal area in England,”;
 - (ii) at the end omit “and”;
 - (c) after paragraph (6)(a) insert—
 - “(aa) in relation to an election of councillors of a principal area in Wales, an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted; and”;
 - (d) after paragraph (6) insert—
 - “(6A) The sample copy of the ballot paper referred to in paragraph (5A) and (6)(aa) must be—
 - (a) clearly marked as specimen and provided only for the guidance of voters, and

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

(b) printed on the same colour paper as the ballot papers.”

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)—

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

- (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”;
 - (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).

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

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.

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

- (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).

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).

SCHEDULE 4

(introduced by sections 47 and 49)

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 of principal councils)—
- (a) in subsection (6)—
 - (i) in paragraph (a), at the beginning insert “in relation to a principal council in England,”;
 - (ii) after paragraph (a) insert—
 - “(aa) in relation to a principal council in Wales, public notice of the meeting must be given—
 - (i) in accordance with subsection (6A), and
 - (ii) by publishing the notice electronically, at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;”;
 - (b) after subsection (6) insert—
 - “(6A) The notice given under subsection (6)(aa) 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;

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

- (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.”
- 2 In section 100K of the 1972 Act (interpretation and application of Part 5A), in subsection (3) after “sections 100A(6)(a)” insert “and (aa)”.
- 3 In paragraph 4 of Schedule 12 to the 1972 Act (notices of meetings of principal councils)—
- (a) in sub-paragraph (2), after “in Wales” insert “or, if the meeting is convened at shorter notice, then at the time it is convened”;
 - (b) in sub-paragraph (2)(a)—
 - (i) for “of the time and place of the intended meeting shall be published at the council’s offices” substitute “of the intended meeting containing the information required by sub-paragraph (2A) must be published electronically”, and
 - (ii) for “be signed by” substitute “set out the names of”;
 - (c) after sub-paragraph (2) insert—

“(2A) The information required to be in a notice under sub-paragraph (2)(a) consists of—

 - (a) where the meeting or part of the meeting is open to the public and is held through remote means only, details of the time of the meeting and how to access it;
 - (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, 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, 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, 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 (2A), references to a meeting 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 to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”

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

- 4 In paragraph 26 of Schedule 12 to the 1972 Act (notices of meetings of community councils)—
- (a) in sub-paragraph (2), after “community council” insert “or, if the meeting is convened at shorter notice, then at the time it is convened”;
 - (b) in sub-paragraph (2)(a)—
 - (i) for “of the time and place of the intended meeting” substitute “of the meeting containing the information required by sub-paragraph (2ZA)”, and
 - (ii) for “be signed by” substitute “set out the names of”;
 - (c) after sub-paragraph (2) insert—
 - “(2ZA) The information required to be in a notice under sub-paragraph (2)(a) consists of—
 - (a) where the meeting or part of the meeting is open to the public and is held through remote means only, details of the time of the meeting and how to access it;
 - (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, 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, 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, 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.
 - (2ZB) In sub-paragraph (2ZA), references to a meeting 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 to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”
- 5 In section 1 of the [Public Bodies \(Admission to Meetings\) Act 1960 \(c. 67\)](#) (admission of public to meetings)—
- (a) in subsection (4)(a), at the end insert “(but see subsections (4ZA) to (4ZC) for further provision in relation to notices of meetings of certain bodies in Wales)”;
 - (b) after subsection (4), insert—
 - “(4ZA) Subsection (4ZB) applies to community councils and joint boards or joint committees which discharge functions of community councils or of community councils and of a principal council in Wales within the meaning of the Local Government Act 1972.
 - (4ZB) In the case of a meeting of a body to which this subsection applies—
 - (a) a copy of the notice mentioned in subsection (4)(a) must also be published electronically at least three clear days

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

- before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
- (b) if the meeting is held partly through remote means, the notice under subsection (4)(a) must give details of how to access the meeting (as well as its time and place);
- (c) if the meeting is held through remote means only, the notice under subsection (4)(a) must give details of how to access the meeting as well as its time, but not its place.

(4ZC) In subsection (4ZB)—

- (a) references to a meeting 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 to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other);
- (b) the requirement imposed on a body to publish a notice electronically is, where the body has its own website, a requirement to publish on that website.”

Copies and publication of documents relating to meetings of local authorities

- 6 (1) Section 100B of the 1972 Act (access to agenda and connected reports) is amended as follows.
- (2) In subsections (1), (4), (6) and (7)(a) after “principal council” insert “in England”.
- (3) In the heading, after “reports” insert “: principal councils in England”.
- 7 After section 100B of the 1972 Act (access to agenda and connected reports), insert—

“100BA Access to agenda and connected reports: principal councils in Wales

- (1) Copies of the agenda for a meeting of a principal council in Wales and copies of any report for the meeting must be published—
 - (a) electronically, and
 - (b) in accordance with subsections (3) to (5).
- (2) If the proper officer thinks fit, there may be excluded from the copies of reports published under subsection (1) the whole of a report which, or any part which, relates only to items during which, in the officer’s opinion, the meeting is likely not to be open to the public.
- (3) A document required to be published under subsection (1) must be published at least three clear days before the meeting, or, if the meeting is convened at shorter notice, then at the time it is convened.
- (4) If an item is added to an agenda, copies of which have been published, copies of the item or revised agenda and copies of any report for the meeting relating to the item must be published at the time the item is added to the agenda.
- (5) Nothing in subsections (3) and (4) requires a document or copies of an agenda, item or report to be published until the document or copies are available to members of the council.

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

- (6) An item of business may not be considered at a meeting of a principal council in Wales unless either—
- (a) a copy of the agenda including the item (or a copy of the item) is published electronically at least three clear days before the meeting, or, if the meeting is convened at shorter notice, at the time it is convened, or
 - (b) by reason of special circumstances, which must be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- (7) Where the whole or part of a report is excluded under subsection (2)—
- (a) every copy of the report or of the part must be marked “Not for publication”, and
 - (b) there must be stated on every copy of the report or of the part a description, in terms of Schedule 12A, of the exempt information by virtue of which the council is likely to exclude the public during the item to which the report relates.
- (8) Where a meeting of a principal council in Wales—
- (a) is required by section 100A to be open to the public during the proceedings or part of them, and
 - (b) is not held through remote means only,
- there must be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.
- (9) There must, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper—
- (a) a copy of the agenda for a meeting of a principal council in Wales and a copy of each of the reports for the meeting,
 - (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda, and
 - (c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council in connection with the item.
- (10) Subsection (2) applies in relation to copies of reports provided under subsection (8) or (9) as it applies in relation to copies of reports published under subsection (1).”
- 8 (1) Section 100C of the 1972 Act (inspection of minutes and other documents after meetings) is amended as follows.
- (2) In subsection (1), after “principal council” insert “in England”.
- (3) After subsection (1) insert—
- “(1A) After a meeting of a principal council in Wales the documents listed in subsection (1B) must—
- (a) be published electronically, and
 - (b) remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting.

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

(1B) The documents are—

- (a) the minutes, or a copy of the minutes, of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information,
- (b) where applicable, a summary under subsection (2),
- (c) a copy of the agenda for the meeting, and
- (d) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.

(1C) As soon as reasonably practicable after a meeting of a principal council in Wales, and in any event before the end of seven working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out—

- (a) the names of the members who attended the meeting, and any apologies for absence;
- (b) any declarations of interest;
- (c) any decision taken at the meeting, including the outcomes of any votes, but excluding anything relating to a decision taken when the meeting was not open to the public as discloses exempt information.”

(4) In subsection (2), after “subsection (1)(a) above” insert “, or the document published under subsections (1A) and (1B)(a),”.

(5) In the heading after “Inspection” insert “and publication”.

9 (1) Section 100D of the 1972 Act (background papers) is amended as follows.

(2) In subsection (1)—

- (a) after “members of the public” insert “, or are required by section 100BA(1) or 100C(1A) to be published electronically”;
- (b) omit the “and” after paragraph (a);
- (c) in paragraph (b) at the beginning insert “in relation to a principal council in England,”;
- (d) after paragraph (b) insert “, and
 - (c) in relation to a principal council in Wales, each of the documents included in that list must be published electronically, but if in the opinion of the proper officer it is not reasonably practicable to publish a document included in the list electronically at least one copy of the document must be open to inspection at the offices of the council.”

(3) In subsection (2) at the beginning insert “In relation to a principal council in England,”.

(4) After subsection (2) insert—

“(2A) In relation to a principal council in Wales, copies of documents included in the list must—

- (a) where they are published under subsection (1)(c), remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting, and

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

- (b) where they are open to inspection under subsection (1)(c), be open to inspection by members of the public at the offices of the council until the expiration of that period.”
- (5) In subsection (4)(b) after “the public” insert “or published electronically”.
- (6) In the heading after “Inspection” insert “and publication”.
- 10 (1) Section 100H of the 1972 Act (supplemental provision about access to meetings and documents) is amended as follows.
- (2) In subsection (2), at the beginning insert “In relation to a principal council in England,”.
- (3) After subsection (2) insert—
- “(2A) In relation to a principal council in Wales, where a document is open to inspection by a person under any provision of this Part the person may, subject to subsection (3) below—
- (a) make copies of the document or parts of the document, or
- (b) require the person having custody of the document to provide a copy of the document or of parts of the document,
- upon payment of such reasonable fee as may be required for the facility.”
- (4) In subsection (3)—
- (a) for “Subsection (2) above does” substitute “Subsections (2), (2A) and (6A) do”;
- (b) for “that subsection” substitute “those subsections”.
- (5) After subsection (3) insert—
- “(3A) Provisions in this Part which require the publication of documents by a principal council in Wales do not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the council, nothing done in pursuance of those provisions constitutes an infringement of the copyright.”
- (6) In subsection (5)—
- (a) omit the “or” after paragraph (a);
- (b) after paragraph (a), insert—
- “(aa) is published electronically by a principal council in Wales, or”;
- (c) in paragraph (b), after “100B(7)” insert “or 100BA(9)”.
- (7) In subsection (6)—
- (a) in paragraph (b), after “100B(7)(b)” insert “or 100BA(9)(b)”;
- (b) in paragraph (c), after “100B(7)(c)” insert “or 100BA(9)(c)”;
- (c) after paragraph (e), insert—
- “(f) the note required to be published by a principal council in Wales under section 100C(1C).”
- (8) After subsection (6) insert—
- “(6A) A principal council in Wales must put in place facilities for members of the public who would otherwise not be able to do so, to access—

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

- (a) notices or other documents required to be published electronically under sections 100A(6)(aa), 100BA(1), 100C(1A) and (1C) and 100D(1)(c), and
- (b) documents required to remain accessible electronically under sections 100C(1A) and 100D(2A)(a).”

(9) After subsection (7) insert—

“(8) A principal council in Wales must have regard to any guidance issued by the Welsh Ministers about the exercise of its functions relating to the publication, provision and inspection of documents under this Part.”

11 In section 228(1) of the 1972 Act (minutes of community council meetings), omit “or community”.

12 After paragraph 26 of Schedule 12 to the 1972 Act (notices of meetings of community councils), insert—

“26ZA (1) As soon as reasonably practicable after a meeting of a community council, and in any event before the end of seven working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out—

- (a) the names of the members who attended the meeting, and any apologies for absence;
- (b) any declarations of interest;
- (c) any decision taken at the meeting, including the outcomes of any votes.

(2) The duty under sub-paragraph (1)(c) to publish a note setting out any decisions does not apply—

- (a) in relation to a decision relating to business which was transacted in private, or
- (b) where disclosure of the information would be contrary to any enactment.”

Application to committees and sub-committees

13 In section 100E of the 1972 Act (application to committees and sub-committees), in subsection (2)—

- (a) omit the “and” after paragraph (b);
- (b) after paragraph (b) insert—

“(ba) the requirement in sections 100A(6)(aa), 100BA(1), 100C(1A) and (1C) and 100D(1)(c) to publish a document electronically is complied with if it is published electronically by every constituent principal council;

(bb) the requirement in sections 100C(1A) and 100D(2A)(a) for a document to remain accessible electronically is complied with if the document remains accessible on the website of every constituent principal council; and”;

- (c) in paragraph (c), after “100D(1)” insert “and (2A)(b)”.

Application and interpretation

- 14 In section 100J of the 1972 Act (application to other authorities etc.), after subsection (4AA) insert—
- “(4AB) References to a principal council in Wales in this Part include—
- (a) a National Park authority for a National Park in Wales;
 - (b) a fire and rescue authority for an area in Wales;
 - (c) a joint board or joint committee which falls within subsection (2) and which discharges functions of two or more principal councils in Wales.”
- 15 In section 100K of the 1972 Act (interpretation and application of Part 5A), after subsection (1) insert—
- “(1A) In this Part references to a meeting of a principal council in Wales 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 to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”
- 16 In section 270 of the 1972 Act (interpretation), after subsection (1) insert—
- “(1A) A requirement to publish a notice or document electronically, imposed by—
- (a) this Act on a local authority in Wales, or
 - (b) Part 5A on a body or authority in Wales (other than a principal council),
- is, where such an authority has its own website, a requirement to publish on that website.”

Publication of public notices given by local authorities

- 17 (1) Section 232 of the 1972 Act (public notices) is amended as follows.
- (2) In subsection (1)—
- (a) omit the “and” at the end of paragraph (a);
 - (b) after paragraph (b) insert “; and
 - (c) where the local authority is a local authority in Wales, by publishing it electronically.”
- (3) Omit subsection (1ZA).
- (4) After subsection (2) insert—
- “(3) The Welsh Ministers may by regulations make further or different provision about the manner of giving a public notice required to be given by a local authority in Wales.
- (4) Regulations under subsection (3) may also make provision about the manner of giving a public notice required to be given by—
- (a) a National Park authority for a National Park in Wales;
 - (b) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales.

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

- (5) Regulations under subsection (3) may—
 - (a) make different provision for different purposes;
 - (b) include supplementary, incidental, consequential, transitional, transitory or saving provision (including provision amending, modifying, repealing or revoking any enactment (including this Act and the Local Government and Elections (Wales) Act 2021)).
- (6) A statutory instrument containing regulations under subsection (3) must not be made unless a draft of the instrument has been laid before and approved by resolution of Senedd Cymru.”

18 In Schedule 7 to the [Environment Act 1995 \(c. 25\)](#) (National Park authorities), in paragraph 17(2)(d) (application of provisions of the 1972 Act about service and authentication of documents to National Park authorities) for “to 234” substitute “, 232 (other than subsection (1)(c)), 233 and 234”.

Electronic service of summonses on members to attend local authority meetings

- 19 (1) Schedule 12 to the 1972 Act is amended as follows.
- (2) In paragraph 4(2)(b) (summonses to meetings of principal councils)—
 - (a) for “signed” substitute “authenticated”;
 - (b) for the words from “shall” to the end of that paragraph substitute “must, subject to sub-paragraph (3), be sent to every member of the council electronically; and each member must specify an electronic address for that purpose.”
 - (3) After paragraph 4(2B) (inserted by paragraph 3(c) of this Schedule), insert—

“(2C) In sub-paragraph (2)(b) “authenticated” means signed or otherwise authenticated in such manner as the proper officer considers appropriate.”
 - (4) In paragraph 4(3) for the words from “some address” to the end of that sub-paragraph substitute “an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address.”
 - (5) In paragraph 26(2)(b) (summonses to meetings of community councils)—
 - (a) for “signed” substitute “authenticated”;
 - (b) for the words from “shall” to the end of that paragraph, substitute “must, subject to sub-paragraph (2C), be sent to every member of the council electronically; and each member must specify an electronic address for that purpose.”
 - (6) After paragraph 26(2A), insert—

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

(2C) If a member of a community council gives notice in writing to the proper officer of the council that summonses to attend meetings of the council should be sent to the member at an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address.”

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

Venue for community council meetings

- 20 (1) In paragraph 26 of Schedule 12 to the 1972 Act, for sub-paragraph (1) substitute—
- “(1) Meetings of the community council and its committees and sub-committees are to be held at such place, either within or outside the council’s area, as the council may direct.”
- (2) In consequence of sub-paragraph (1), in Schedule 6 to the [Licensing Act 2003 \(c. 17\)](#) (minor and consequential amendments) omit paragraph 61(2)(b).

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

- 21 In paragraph 26 of Schedule 12 to the 1972 Act, after sub-paragraph (2C) (inserted by paragraph 19(6) of this Schedule) insert—
- “(2D) At least three clear days before a meeting of a committee or sub-committee of a community council, notice of the time and place of the intended meeting must be published electronically and fixed in a conspicuous place in the community.
- (2E) If the chairman of a committee or sub-committee of a community council considers that a meeting of the committee or sub-committee should take place urgently, sub-paragraph (2D) has effect as if for the words “three clear days” there were substituted “twenty four hours”.”

Saving provision

- 22 Sections 100A to 100D and 100H of the 1972 Act apply to community health councils and community health committees in accordance with section 1 of the [Community Health Councils \(Access to Information\) Act 1988 \(c. 24\)](#) (access to meetings and documents of community health councils) as if the amendments made by paragraphs 1, 2 and 6 to 10 of this Schedule had not been made.

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 Act (community council meetings), in paragraph 29 for sub-paragraph (1) substitute—
- “(1) The manner of voting at meetings of a community council is to be decided by the council, but (if a vote is necessary on the question) the proper officer is to determine the manner of voting on that decision; if agreement cannot be reached, the proper officer is to determine the manner of voting on all other matters.”
- (2) In the 2011 Measure, omit section 4 (remote attendance at meetings).
- (3) In the 2013 Act, omit section 59 (remote attendance at meetings of principal councils).

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

- (4) In the [Local Authorities \(Executive Arrangements\) \(Functions and Responsibilities\) \(Wales\) Regulations 2007 \(S.I. 2007/399\)](#), in Schedule 1 (functions not to be the responsibility of an executive), in the table in Part I (miscellaneous functions), after paragraph 18 insert—

“19 Duty to make arrangements for holding Section 47(1) of the Local Government and meetings of a principal council or its executive Elections (Wales) Act 2021”

SCHEDULE 5

(introduced by section 54)

CONSEQUENTIAL AMENDMENTS RELATING TO CHIEF EXECUTIVES

Local Government Act 1972 (c. 70)

- 1 In section 112(2A) of the 1972 Act (determination by councils of terms and conditions of certain senior staff), for “heads of paid service” substitute “chief executives”.

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 reports)—
- (a) in paragraph (a), after “Local Government and Housing Act 1989” insert “or, in the case of a Welsh county council or county borough council, the person who is for the time being appointed as the authority’s chief executive under section 54 of the Local Government and Elections (Wales) Act 2021”;
 - (b) in paragraph (b), for “that Act” substitute “the Local Government and Housing Act 1989”.
- 4 In section 114A(3) (consultation by chief finance officer in preparing reports where council operates executive arrangements)—
- (a) in paragraph (a), after “Local Government and Housing Act 1989” insert “or, in the case of a Welsh county council or county borough council, the person who is for the time being appointed as the authority’s chief executive under section 54 of the Local Government and Elections (Wales) Act 2021”;
 - (b) in paragraph (b), for “that Act” substitute “the Local Government and Housing Act 1989”.

Local Government and Housing Act 1989 (c. 42)

- 5 The Local Government and Housing Act 1989 is amended as follows.
- 6 In section 1 (disqualification and political restriction of certain officers and staff), after subsection (1) insert—
- “(1A) A person shall be disqualified from becoming (whether by election or otherwise) or remaining a member of any local authority in Wales if that

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

- person holds the post of chief executive of a local authority which is the council of a county or county borough in Wales.”
- 7 In section 2 (politically restricted posts)—
- (a) after subsection (1) insert—
- “(1A) For the purposes of this Part other than section 1(1), a person appointed as the chief executive of a local authority which is the council of a county or county borough in Wales is to be regarded as holding a politically restricted post under that authority.”;
- (b) in subsection (7)(a) and (b), after “head of the authority’s paid service” in both places it occurs, insert “or (in the case of a council for a county or county borough in Wales) the authority’s chief executive”.
- 8 In section 4(6) (definition of “relevant authority”)—
- (a) in paragraph (a), omit “and Wales”;
- (b) after paragraph (a) (and before the “and” which follows it) insert—
- “(aa) in relation to Wales, means an elected local policing body;”.
- 9 In section 5 (designation and reports of monitoring officer)—
- (a) in subsection (1B)—
- (i) omit “and Wales”;
- (ii) omit paragraph (b);
- (b) after subsection (1B) insert—
- “(1BA) The officer designated under subsection (1)(a) above by a relevant authority which is the council of a county or county borough in Wales may not be the authority’s chief executive.”;
- (c) in subsection (3)(a), after “chief finance officer” insert “or, in the case of a council of a county or county borough in Wales, with the person who is for the time being the authority’s chief executive and with their chief finance officer”.
- 10 In section 5A(5) (consultation by monitoring officer on reports where council operates executive arrangements), in paragraph (a) after “chief finance officer” insert “or, in the case of a council of a county or county borough in Wales, with the person who is for the time being the authority’s chief executive and with their chief finance officer”.
- 11 In section 21 (interpretation of Part 1), in subsection (3) before the definition of “contravention” insert—
- ““chief executive” means the person appointed under section 54 of the Local Government and Elections (Wales) Act 2021 as the chief executive of a council of a county or county borough in Wales;”.

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 of democratic services), for paragraph (a) substitute—
- “(a) the authority’s chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021;”.

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

- 14 In section 9(4) (functions of head of democratic services), for the words from “head of paid service” to the end substitute “chief executive in section 54(2) of the Local Government and Elections (Wales) Act 2021”.
- 15 In section 143A (functions of the Independent Remuneration Panel for Wales in respect of remuneration of chief executives)—
- (a) in subsection (1)(a) and (b), for “head of paid service” substitute “chief executive”;
 - (b) in subsection (3), for “head of paid service” substitute “chief executive”;
 - (c) in subsection (3B), for “head of paid service” substitute “chief executive”;
 - (d) in subsection (5A)(a), for “head of paid service” substitute “chief executive”;
 - (e) in subsection (7)—
 - (i) omit the definition of “head of paid service”;
 - (ii) before the definition of “pay policy statement” insert—
 - ““chief executive” (*“prif weithredwr”*) means a chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021;”;
 - (f) for the heading substitute “Functions relating to remuneration of chief executives”.

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

- 16 In section 75 of the Police Reform and Social Responsibility Act 2011 (the appropriate officer for a police area)—
- (a) in subsection (2), for “in relation to any such police area, means the head of paid service of the local authority designated for that police area” substitute “means—
 - (a) in relation to a police area in England, the head of paid service of the local authority designated for that police area;
 - (b) in relation to a police area in Wales, the chief executive of the local authority designated for that police area.”;
 - (b) in subsection (3)—
 - (i) before the definition of “local authority” insert—
 - ““chief executive” means the person appointed by a county council or county borough council in Wales under section 54 of the Local Government and Elections (Wales) Act 2021;”;
 - (ii) in the definition of “head of paid service”, after “a council” insert “in England”.

Localism Act 2011 (c. 20)

- 17 In section 43(2) of the Localism Act 2011 (definition of “chief officer” for purposes of pay policy statements)—
- (a) after paragraph (a) insert—
 - “(aa) its chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021 (chief executive of council in Wales);”;

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

- (b) in paragraph (b), for “that Act” substitute “the Local Government and Housing Act 1989”.

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

18 In section 77 of the Anti-social Behaviour, Crime and Policing Act 2014 (duration of notices prohibiting access to certain premises), for subsection (6) substitute—

“(6) In this section “chief executive officer” means—

- (a) in relation to a local authority in England, the authority’s head of paid service designated under section 4 of the Local Government and Housing Act 1989;
- (b) in relation to a local authority in Wales, the authority’s chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021.”

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

19 In the second column of the table in paragraph 7 of Schedule 3 to the Well-being of Future Generations (Wales) Act 2015 (representatives of council at meetings of public services boards), for “head of the authority’s paid service designated under section 4 of the [Local Government and Housing Act 1989 \(c. 42\)](#)” substitute “authority’s chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021”.

This Act

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

SCHEDULE 6

(introduced by section 57)

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) In each of sections 22(1A), 24(1A), 24A(5) and 24B(3) (chair, vice-chair, presiding member and deputy presiding member), after “principal council” insert “, or an assistant to the executive,”.
- (3) In section 270(1) (interpretation), after the definition of “appropriate Minister” insert—
- ““assistant to the executive”, in relation to a principal council in Wales, has the same meaning as in Schedule 1 to the Local Government Act 2000 (see paragraph 3A of that Schedule);”.
- (4) In Schedule 12, in paragraph 5(4) (presiding over meetings), after “principal council” insert “, or an assistant to the executive,”.

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

- 2 (1) Until paragraph 1(3) of Schedule 2 to this Act comes into force, section 80(1)(a) of the 1972 Act is to be read as if after “member of the executive” there were inserted “or assistant to the executive”.
- (2) Until paragraph 1(7) of Schedule 2 to this Act comes into force, section 116 of the 1972 Act is to be read as if after “member of the executive” there were inserted “or assistant to the executive”.

Pilotage Act 1987 (c. 21)

- 3 In section 3 of the Pilotage Act 1987 (authorisation of pilots)—
- (a) in subsection (9A)(a), after “local authority” insert “, or an assistant to the executive,”;
 - (b) in subsection (10), after the opening words insert—
 - ““assistant to the executive” has the same meaning as in Schedule 1 to the Local Government Act 2000 (see paragraph 3A of that Schedule);”.

Local Government Finance Act 1992 (c. 14)

- 4 In section 106(2A) of the Local Government Finance Act 1992 (council tax etc.: restrictions on voting), after “to whom this section applies” insert “, and no assistant to the executive (within the meaning of paragraph 3A of Schedule 1 to the Local Government Act 2000) to whom this section applies,”.

Local Government Act 2000 (c. 22)

- 5 In section 21(9) of the 2000 Act (overview and scrutiny committee not to include members of executive), after “executive” insert “or any assistant to the executive (within the meaning of paragraph 3A of Schedule 1)”.

Local Government (Wales) Measure 2011 (nawm 4)

- 6 (1) The 2011 Measure is amended as follows.
- (2) In section 12(2)(b) (membership of democratic services committee), after “authority’s executive” insert “or an assistant to its executive”.
 - (3) In section 14(2) (chair of democratic services committee), after “authority’s executive” insert “or an assistant to its executive”.
 - (4) In section 82 (membership of governance and audit committee)—
 - (a) in subsection (2)(c) after “authority’s executive” insert “or an assistant to its executive”;
 - (b) in subsection (3) after “authority’s executive” insert “or an assistant to its executive”.
 - (5) In section 83(2) (chair of governance and audit committee), after “authority’s executive” insert “or an assistant to its executive”.

SCHEDULE 7

(introduced by section 58)

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—

“(8ZA) But if two or more councillors are elected to share office as executive leader (by virtue of paragraph 2(2A) of Schedule 1) or are appointed to the executive to share office (by virtue of paragraph 2A of Schedule 1), the number of members of the executive may exceed 10 but not 13; and where the number of members of the executive is—

 - (a) 11 or 12, at least two of the members must have been elected or appointed to share office;
 - (b) 13, at least three of the members must have been elected or appointed to share office.”;
 - (b) in subsection (8A) for “subsection (8)” substitute “subsections (8) and (8ZA)”;
 - (c) for subsection (9) substitute—

“(9) The Welsh Ministers may by regulations amend subsections (8) and (8ZA) so as to provide for different maximum numbers of members of an executive to which those subsections apply; but the power under this subsection may not be exercised so as to provide—

 - (a) for a maximum number in subsection (8) which exceeds 10, or
 - (b) for a maximum number in subsection (8ZA) which exceeds 13.”
- 3 In section 83 (interpretation of Part 3), in subsection (1) omit the definition of “executive leader”.
- 4 In section 106 (Wales: orders and regulations), in subsection (6) after “made under” insert “section 11(9)”.
- 5 (1) Schedule 1 (executive arrangements) is amended as follows.
 - (2) In paragraph 1(2), after “section 11(8)” insert “and (8ZA)”.
 - (3) In paragraph 2—
 - (a) after sub-paragraph (2) insert—

“(2A) The executive arrangements must include provision under which two or more councillors may be elected by the authority to share office as executive leader; and references in any enactment to an executive leader include executive leaders elected by virtue of that provision.”;
 - (b) in sub-paragraph (3), after “section 11(8)” insert “and (8ZA)”.

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

(4) After paragraph 2 insert—

“Appointment of councillors to executive to share the same position

- 2A Executive arrangements by a local authority must include provision under which two or more councillors may be appointed to the executive to share office.

Voting and quorum where members of executive share their position

- 2B (1) This paragraph applies where two or more councillors of a local authority are—
- (a) appointed to a mayor and cabinet executive to share office,
 - (b) appointed to a leader and cabinet executive (Wales) to share office, or
 - (c) elected to share office as executive leader of a leader and cabinet executive (Wales).
- (2) The members of the executive who share the same office have between them one vote in respect of any matter on which they have a right to vote because they are a member of the executive.
- (3) Where any meeting is attended by more than one of the members who share the same office and those members are attending in their capacity as a member of the executive, they together count only as one person for the purpose of determining whether the meeting is quorate.”

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

- 6 (1) The Local Government and Public Involvement in Health Act 2007 is amended as follows.
- (2) In section 62 (executive arrangements), omit subsection (8).
- (3) In Schedule 3 (amendments), omit paragraph 26.

Localism Act 2011 (c. 20)

- 7 In Schedule 3 to the Localism Act 2011 (minor and consequential amendments), omit paragraph 11(7).

SCHEDULE 8

(introduced by section 64)

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 Wales), after subsection (5) insert—

“(6) Sections 69A to 69E apply in relation to the exercise of the functions of the Public Services Ombudsman for Wales under this section.”

3 After section 69 of the 2000 Act insert—

“69A Possible conflict of interest in an investigation

(1) If subsection (2) or (4) applies in a case involving a member or co-opted member (or former member or co-opted member) of a relevant authority, the Public Services Ombudsman for Wales (“the Ombudsman”) must exercise the power in paragraph 14 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2019 to delegate—

- (a) the decision as to whether to investigate the case under section 69, and
- (b) any investigation of the case.

(2) This subsection applies if at any time within the period of five years ending with the date mentioned in subsection (3) the Ombudsman was—

- (a) a member,
- (b) a member of a committee, sub-committee, joint committee or joint sub-committee, or
- (c) an officer,

of the relevant authority concerned.

(3) The date is—

- (a) if the case is within section 69(1)(a), the date on which the Ombudsman received the written allegation, or
- (b) if the case is within section 69(1)(b), the date on which the Ombudsman received the written allegation investigated under section 69(1)(a).

(4) This subsection applies if the Ombudsman considers that the Ombudsman has, or is likely to have, an interest in the matters which may be investigated or the outcome of any investigation.

(5) If subsection (4) applies the Ombudsman must disclose the nature of the interest to the person to whom any investigation under section 69 would or does relate, and to any person who has made an allegation as described in section 69(1)(a).

(6) If the Ombudsman makes a decision as to whether to investigate a case, or investigates a case, in contravention of subsection (1), that contravention does not affect the validity of anything done by the Ombudsman.

69B Investigation procedure

(1) If the Ombudsman conducts an investigation under section 69, the Ombudsman must give the person to whom the investigation relates an opportunity to comment on whether that person has failed to comply with the code of conduct of the relevant authority of which that person is or was a member or co-opted member.

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

- (2) An investigation must be conducted in private.
- (3) Subject to subsections (1) and (2), the procedure for conducting an investigation is that which the Ombudsman thinks appropriate in the circumstances of the case.
- (4) The Ombudsman may, among other things—
 - (a) make any inquiries which the Ombudsman thinks appropriate;
 - (b) determine whether any person may be represented in the investigation by an authorised person or another person.
- (5) In subsection (4) “authorised person” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).
- (6) The Ombudsman may pay to the person (if any) who made an allegation as described in section 69(1)(a) and to any other person who attends or supplies information for the purposes of the investigation—
 - (a) sums in respect of the expenses properly incurred by them, and
 - (b) allowances to compensate for the loss of their time.
- (7) The Ombudsman may attach conditions to payments under subsection (6).
- (8) The carrying out of an investigation under section 69 does not affect—
 - (a) the validity of any action taken by a relevant authority, or
 - (b) any power or duty of a relevant authority to take further action in respect of any matter under investigation.

69C Information, documents, evidence and facilities

- (1) The Ombudsman may require a person the Ombudsman thinks is able to supply information or produce a document relevant to an investigation under section 69 to do so.
- (2) The Ombudsman has the same powers as the High Court in relation to—
 - (a) the attendance and examination of witnesses (including the administration of oaths and affirmations and the examination of witnesses abroad), and
 - (b) the production of documents.
- (3) The Ombudsman may require a person the Ombudsman thinks is able to supply information or produce a document relevant to an investigation to provide any facility the Ombudsman may reasonably require.
- (4) The Ombudsman may require the relevant authority concerned to provide any facility the Ombudsman may reasonably require.
- (5) Subject to subsection (6), no person may be compelled to give any evidence or produce any document which the person could not be compelled to give or produce in civil proceedings before the High Court.

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

- (6) The Crown is not entitled to any privilege in relation to the production of documents or the giving of evidence that would otherwise be allowed by law in legal proceedings.
- (7) Where an obligation to maintain secrecy or other restriction on the disclosure of information obtained by or supplied to persons in Her Majesty's service has been imposed by an enactment or a rule of law, the obligation or restriction does not apply to the disclosure of information for the purposes of the investigation.

69D Obstruction and contempt

- (1) If the Ombudsman is satisfied that the condition in subsection (2) is met in relation to a person, the Ombudsman may issue a certificate to that effect to the High Court.
- (2) The condition is that the person—
 - (a) without lawful excuse, has obstructed the discharge of any of the Ombudsman's functions under this Part, or
 - (b) has done an act in relation to an investigation under section 69 which, if the investigation were proceedings in the High Court, would constitute contempt of court.
- (3) But the condition in subsection (2) is not met in relation to a person merely because that person has taken action such as is mentioned in section 69B(8).
- (4) If the Ombudsman issues a certificate under subsection (1), the High Court may inquire into the matter.
- (5) If the High Court is satisfied that the condition in subsection (2) is met in relation to the person, it may deal with that person in the same manner as it may deal with a person who has committed contempt in relation to the High Court.

69E Disclosure of information

- (1) This section applies to information obtained in the exercise of the Ombudsman's functions under this Part by—
 - (a) the Ombudsman;
 - (b) a member of the Ombudsman's staff or other person acting on the Ombudsman's behalf;
 - (c) a person assisting the Ombudsman.
- (2) The information may be disclosed only—
 - (a) for the purposes of the Ombudsman's functions under—
 - (i) Chapter 3 or 4 of this Part;
 - (ii) Part 3 or 5 of the Public Services Ombudsman (Wales) Act 2019;
 - (b) for the purposes of the functions of the Adjudication Panel for Wales, including the functions of its President, Deputy President and tribunals, under Chapter 4 of this Part;

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

- (c) for the purposes of criminal proceedings or the investigation of a criminal offence;
- (d) if the disclosure is made to the Auditor General for Wales for the purposes of the Auditor General’s functions under Part 2 of the Public Audit (Wales) Act 2004;
- (e) if the disclosure is made to the Electoral Commission for the purposes of any of its functions.

69F Power of the Welsh Ministers to amend this Chapter

The Welsh Ministers may by regulations amend this Chapter to make further or different provision about the exercise of the functions of the Public Services Ombudsman for Wales under section 69.”

- 4 In section 70 (investigations: further provisions)—
 - (a) omit subsections (1) and (2);
 - (b) for the heading substitute “Ceasing investigations etc.”.
- 5 For section 74 (law of defamation) substitute—

“Law of defamation

74 Law of defamation: absolute privilege

For the purposes of the law of defamation a publication of a matter is absolutely privileged if—

- (a) the publication is made in the exercise of the functions of the Ombudsman under Chapters 3 and 4 of this Part;
- (b) the publication—
 - (i) is made in communications with the Ombudsman or a person exercising a function of the Ombudsman, and
 - (ii) is made for the purposes of, or in connection with, the Ombudsman’s functions under Chapters 3 and 4 of this Part.”
- 6 In section 106(7) (Wales: orders and regulations), before “may not” insert “or regulations under section 69F”.

Government of Wales Act 2006 (c. 32)

- 7 In table 1 in paragraph 35(3) of Schedule 11 to the Government of Wales Act 2006 (transitional provisions), omit the entry for section 70(1) of the 2000 Act.

Localism Act 2011 (c. 20)

- 8 In Schedule 4 to the Localism Act 2011 (conduct of local government members: amendments), omit paragraph 38(2).

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

- 9 In Schedule 3 to the Social Services and Well-being (Wales) Act 2014 (minor and consequential amendments), omit paragraph 12.

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

- 10 In Schedule 5 to the Public Services Ombudsman (Wales) Act 2019 (consequential amendments), omit paragraph 20.

SCHEDULE 9

(introduced by section 88)

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 follows.
- 2 In section 38(4) (development plan), for paragraph (b) substitute—
“(b) any strategic development plan for an area that includes all or part of that area, and”.
- 3 Omit sections 60D to 60J (strategic planning panels and strategic development plans) and the cross-heading which precedes them.
- 4 Before the cross-heading which precedes section 61 insert—

“Strategic planning by corporate joint committees

60K Corporate joint committees to which this Part applies

In this Part, references to a corporate joint committee are to a corporate joint committee to which this Part applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.

60L Corporate joint committees: area survey

- (1) A corporate joint committee must keep under review the matters which may be expected to affect the development, or the planning of the development, of its area.
- (2) Subsections (2) to (5) of section 61 apply in relation to a corporate joint committee as they apply in relation to a local planning authority.
- (3) In subsections (2) to (5) of section 61 as they apply by virtue of subsection (2) —
- (a) references to a local planning authority are to be construed as references to a corporate joint committee;
 - (b) references to a neighbouring area are to be construed as references to a neighbouring area which is the area of another corporate joint committee.

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

60M Corporate joint committee areas: strategic development plans

- (1) A corporate joint committee must prepare a plan for its area to be known as a strategic development plan.
- (2) The plan must set out—
 - (a) the committee’s objectives in relation to the development and use of land in its area;
 - (b) the committee’s policies for the implementation of those objectives.
- (3) The plan must be in general conformity with the National Development Framework for Wales.
- (4) The plan must specify the period for which it is to have effect.
- (5) The Welsh Ministers may by regulations make provision about—
 - (a) the period that may be specified under subsection (4);
 - (b) the form and content of the plan.
- (6) In preparing its plan the committee must have regard to—
 - (a) current national policies;
 - (b) the National Development Framework for Wales;
 - (c) any strategic development plan for an area that adjoins the committee’s area;
 - (d) the local development plan for each area all or part of which is included in the committee’s area;
 - (e) the resources likely to be available for implementing the plan;
 - (f) any other matters prescribed by the Welsh Ministers in regulations.
- (7) The committee must also—
 - (a) carry out an appraisal of the sustainability of the plan;
 - (b) prepare a report of the findings of the appraisal.
- (8) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the area.
- (9) A plan is a strategic development plan only in so far as it is—
 - (a) adopted by resolution of the corporate joint committee as its strategic development plan, or
 - (b) approved by the Welsh Ministers under section 65 or 71 (as they apply by virtue of section 60N).
- (10) The plan ceases to be a strategic development plan on the expiry of the period specified under subsection (4).

60N Strategic development plans: application of provisions of this Part

- (1) The provisions specified in subsection (3) apply in relation to a strategic development plan as they apply in relation to a local development plan.
- (2) Accordingly, where a provision specified in subsection (3) confers power for the Welsh Ministers to make provision by regulations in respect of a local development plan, that power is also exercisable so as to make provision

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

- in respect of a strategic development plan prepared by a corporate joint committee.
- (3) The provisions are sections 63 to 68, 68A(1), 69 to 71, 73 and 75 to 77.
- (4) In those provisions as they apply by virtue of subsection (1)—
- (a) references to a local planning authority are to be construed as references to a corporate joint committee;
 - (b) references to a local development plan are to be construed as references to a strategic development plan.
- (5) In section 64(5)(a) as it applies by virtue of this section, the reference to section 62 is to be construed as a reference to section 60M.
- (6) In section 77(2)(a) as it applies by virtue of this section, the reference to section 62(6) is to be construed as a reference to section 60M(7).”
- 5 In section 62 (local development plan)—
- (a) in subsection (3A), in paragraph (b) omit “strategic planning”;
 - (b) in subsection (5), in paragraph (ba) omit “strategic planning”.
- 6 In section 68A (duty to consider whether to review local development plan), in subsection (2), for “a strategic planning area, a local planning authority for an area all or part of which is included in the strategic planning area” substitute “all or part of their area, a local planning authority”.
- 7 In section 113 (validity of strategies, plans and documents)—
- (a) in subsection (9), in paragraph (ba)—
 - (i) in sub-paragraph (i) for “60I” substitute “60M”;
 - (ii) in sub-paragraph (ii) for “60J” substitute “60N”;
 - (b) in subsection (11), in paragraph (ba), for “strategic planning panel” substitute “corporate joint committee”.
- 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 them.
- 11 Omit Schedule 1 (strategic planning panels).
- 12 In Schedule 2 (development planning: further amendments), omit the following—
- (a) paragraph 10(4) to (7);
 - (b) paragraph 13;
 - (c) paragraph 16(b);
 - (d) paragraphs 17 to 19 and the cross-heading which precedes them;
 - (e) paragraphs 20 to 22 and the cross-heading which precedes them;
 - (f) paragraph 31(3) and (4);
 - (g) paragraph 32;
 - (h) paragraph 34(3)(b).

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

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

- 13 In section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies), in subsection (4), in the definition of “public body”, omit “any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.”.

Local Government Act 1972 (c. 70)

- 14 In section 80 of the Local Government Act 1972 (disqualifications for election and holding office as a member of local authority), omit subsection (2AB).

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), in paragraph (d), for “strategic planning panel in whose strategic planning” substitute “corporate joint committee in whose”.
- 17 In section 21C (powers to advise on land matters), in subsection (3), in paragraph (d) —
- (a) for “strategic planning panel” substitute “corporate joint committee”;
 - (b) in the second place in which they appear, omit the words “strategic planning”.
- 18 In section 27 (interpretation), in subsection (1), in the appropriate place insert—
- ““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”.
- 19 In Schedule 4 (acquisition of land)—
- (a) in Part 1 (compulsory acquisition), in paragraph 3A(d), for “strategic planning panel in whose strategic planning” substitute “corporate joint committee in whose”;
 - (b) in Part 4 (other provisions), in paragraph 19(1), for “strategic planning panel” substitute “corporate joint committee”.

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 pavements: application of provisions in Wales)—
- (a) in subsection (2), in paragraph (b), for the words from “a strategic planning area” to the end substitute “the area of a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”;
 - (b) in subsection (3), for the words from “the strategic planning panel” to the end, substitute “that corporate joint committee”.
- 22 In section 37A (notification of designation of Ramsar sites), in subsection (2B)—

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- (a) for “a strategic planning area designated under section 60D of the Planning and Compulsory Purchase Act 2004” substitute “the area of a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”;
- (b) for “the strategic planning panel for that area” substitute “that corporate joint committee”.

Town and Country Planning Act 1990 (c. 8)

- 23 The Town and Country Planning Act 1990 is amended as follows.
- 24 In section 83 (making of simplified planning zone schemes), in subsection (3A), in paragraph (b)—
- (a) omit “strategic planning”;
 - (b) for “sections 60I and 60J” substitute “sections 60M and 60N”.
- 25 In section 293A (urgent Crown development: application for planning permission), in subsection (9), in paragraph (aa), for “the strategic planning panel for any strategic planning” substitute “any corporate joint committee for the”.
- 26 (1) Section 303A (responsibility of local planning authorities for costs of holding certain inquiries etc.) is amended as follows.
- (2) In subsection (2), for “or strategic planning panel” substitute “or corporate joint committee”.
 - (3) In subsection (3)—
 - (a) for “or strategic planning panel” substitute “or corporate joint committee”;
 - (b) for “or panel” substitute “or committee”.
 - (4) In subsection (6), for “or strategic planning panel” substitute “or corporate joint committee”.
 - (5) In subsection (9A)—
 - (a) after “local planning authority”, in the first place it occurs, insert “or corporate joint committee”;
 - (b) in paragraph (a), after “local planning authority” insert “or corporate joint committee”.
- 27 In section 306 (contributions by local authorities and statutory undertakers), in subsection (2A)—
- (a) for “strategic planning panel” substitute “corporate joint committee”;
 - (b) for the words from “60H” to the end substitute “60L of the Planning and Compulsory Purchase Act 2004 (corporate joint committees: area survey)”.
- 28 In section 324 (rights of entry)—
- (a) subsection (1B) (as inserted by Schedule 2 to the [Planning \(Wales\) Act 2015 \(anaw 4\)](#)) is renumbered as subsection (1BA);
 - (b) in that subsection, for “strategic planning panel” substitute “corporate joint committee”.
- 29 In section 336 (interpretation), in subsection (1)—
- (a) in the appropriate place insert—

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““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”;

- (b) omit the definition of “strategic planning panel”.

Water Resources Act 1991 (c. 57)

- 30 In Schedule 6 to the Water Resources Act 1991 (orders relating to abstraction of small quantities and compulsory registration of protected rights), in paragraph 1—
- (a) in sub-paragraph (4)(a), for “strategic planning panel” substitute “corporate joint committee”;
- (b) in sub-paragraph (6), for paragraph (ba) substitute—
- “(ba) references to a corporate joint committee are to a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”.

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), in subsection (5), for the words “and any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004” substitute “and any corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”.
- 33 In section 41 (revocation of right to withdraw support), in subsection (6), in the definition of “planning authority” for the words “and any strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004” substitute “and any corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”.

Environment Act 1995 (c. 25)

- 34 (1) Section 66 of the Environment Act 1995 (National Park Management Plans) is amended as follows.
- (2) In subsection (7), in paragraph (a), for “and strategic planning panel” substitute “and corporate joint committee”.
- (3) For subsection (10) substitute—
- “(10) In this section “corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”

Local Government Act 2000 (c. 22)

- 35 In section 83 of the Local Government Act 2000 (conduct of members and employees of local authorities in Wales: interpretation), omit subsection (9A).

Freedom of Information Act 2000 (c. 36)

- 36 In Part 2 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: local government), omit paragraph 33A.

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

- 37 In section 85 of the Countryside and Rights of Way Act 2000 (areas of outstanding natural beauty: general duty of public bodies etc.), in subsection (3), in the definition of “public body” omit paragraph (d) (as inserted by paragraph 21 of Schedule 2 to the [Planning \(Wales\) Act 2015 \(anaw 4\)](#), which incorrectly purported to insert that paragraph into subsection (2)).

Finance Act 2003 (c. 14)

- 38 In section 66 of the Finance Act 2003 (stamp duty land tax; exemption for transfers involving public bodies), in subsection (4), under the heading “Other planning authorities” omit the entry—
“A strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.”.

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.
- (2) In subsection (1), for “strategic planning panel” substitute “corporate joint committee”.
- (3) In subsection (3)(b), for “a strategic planning panel or” substitute “a corporate joint committee or”.
- (4) In subsection (4), for paragraph (aa) substitute—
“(aa) section 60M of that Act, in the case of a corporate joint committee;”.
- 41 In section 2 (interpretation)—
- (a) in the appropriate place insert—
““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”;
- (b) omit the definition of “strategic planning panel”.

Marine and Coastal Access Act 2009 (c. 23)

- 42 (1) Paragraph 1 of Schedule 6 to the Marine and Coastal Access Act 2009 (marine plans: preparation and adoption) is amended as follows.

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- (2) In sub-paragraph (2), in paragraph (f), for “strategic planning panel whose strategic planning” substitute “corporate joint committee whose”.
- (3) In sub-paragraph (3)—
 - (a) in the appropriate place insert—
 - ““corporate joint committee” means a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”;
 - (b) omit the definition of “strategic planning panel”.

Equality Act 2010 (c. 15)

- 43 In Part 2 of Schedule 19 to the Equality Act 2010 (public authorities subject to public sector equality duty: relevant Welsh authorities), under the sub-heading “Local government”, omit the entry—
 - “A strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.”

Welsh Language (Wales) Measure 2011 (nawm 1)

- 44 (1) Schedule 6 to the Welsh Language (Wales) Measure 2011 (persons liable to be required to comply with standards: public bodies etc.) is amended as follows.
 - (2) In the table, under the heading “LOCAL GOVERNMENT ETC.”, omit the entry for strategic planning panels.
 - (3) In paragraph 2, omit the definition of “strategic planning panel”.

Local Government (Wales) Measure 2011 (nawm 4)

- 45 In section 144 of the Local Government (Wales) Measure 2011 (payments and pensions: relevant authorities, members etc.), in subsection (2), omit paragraph (da).

Environment (Wales) Act 2016 (anaw 3)

- 46 In section 6 of the Environment (Wales) Act 2016 (biodiversity and resilience of ecosystems duty)—
 - (a) in subsection (9), in the definition of “public authority”, in paragraph (e)—
 - (i) for “authority,” substitute “authority and”;
 - (ii) omit “and a strategic planning panel”;
 - (b) in subsection (10), omit the definition of “strategic planning panel”.

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 (Wales) Act 2017, in Schedule 20 (relief for acquisitions by public bodies and health bodies), omit paragraph 1(4)(k).

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

- 48 In Schedule 3 to the Public Services Ombudsman (Wales) Act 2019 (listed authorities), under the sub-heading “Local government, fire and police”, omit the entry—
“A strategic planning panel.”

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 (power to establish joint transport authorities);
(b) in section 6 (financial assistance: local transport functions), in subsection (1) omit paragraph (a), and the “and” which follows it.

Government of Wales Act 2006 (c. 32)

- 50 In table 1 in paragraph 35(3) of Schedule 11 to the Government of Wales Act 2006 (transitional provisions), omit the entry for section 5(1) of the Transport (Wales) Act 2006.

SCHEDULE 10

(introduced by section 115)

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 “AUDIT COMMITTEES” insert “GOVERNANCE AND”.
- 3 In section 81 (local authorities to appoint audit committees)—
(a) in subsection (2), after “its” insert “governance and”;
(b) in subsection (3), for “an” substitute “a governance and”;
(c) in the heading, after “appoint” insert “governance and”.
- 4 In section 82 (membership)—
(a) in subsection (1), after “of its” insert “governance and”;
(b) in subsection (2)—
(i) in paragraph (a) for “its audit committee” substitute “that committee”;
(ii) in paragraph (b) for “its audit committee” substitute “that committee”;
(iii) in paragraph (c) for “its audit committee” substitute “that committee”;

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- (iv) in paragraph (d) for “its audit committee” substitute “that committee”;
 - (c) in subsection (3), after “local authority’s” insert “governance and”;
 - (d) in subsection (4), for “an” substitute “a governance and”;
 - (e) in subsection (5), for “an” substitute “a governance and”;
 - (f) in subsection (6), for “an” substitute “a governance and”;
 - (g) in subsection (7), for “An” substitute “A governance and”.
- 5 In section 83 (proceedings etc.)—
- (a) in subsection (1), for “An” substitute “A governance and”;
 - (b) in subsection (2), for “the”, in the second place where it occurs, substitute “the governance and”;
 - (c) in subsection (3), for “an” substitute “a governance and”;
 - (d) in subsection (4), for “An” substitute “A governance and”;
 - (e) in subsection (7), for “An” substitute “A governance and”.
- 6 In section 84 (frequency of meetings)—
- (a) in subsection (1), for “An” substitute “A governance and”;
 - (b) in subsection (2), after “The” insert “governance and”;
 - (c) in subsection (3), for “an” substitute “a governance and”;
 - (d) in subsection (4), for “an” substitute “a governance and”.
- 7 In section 85 (guidance)—
- (a) in subsection (1)—
 - (i) in paragraph (a) after “functions of” insert “governance and”;
 - (ii) in paragraph (b) for “audit” substitute “such”;
 - (b) in subsection (2), after “and its” insert “governance and”.
- 8 In section 86 (termination of membership)—
- (a) in subsection (1), in paragraph (a) for “an” substitute “a governance and”;
 - (b) in subsection (2), after “member of the” in the second place it occurs insert “governance and”;
 - (c) in subsection (4), after “or the” insert “governance and”.
- 9 In section 87 (interpretation etc.), in subsection (2) omit the definition of “audit committee”.

This Act

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

SCHEDULE 11

(introduced by section 136)

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 making a merger application.
- (2) References to a transition committee in this Part of this Schedule are to a transition committee established under sub-paragraph (1).

Membership of transition committees for merging councils

- 2 (1) A transition committee must consist of an equal number of members, not being less than 5, of each of the merging councils.
- (2) The members of a merging council who are to be members of the transition committee must be appointed by the merging council.
- (3) The number of members of the committee to be appointed by each of the merging councils is the number agreed by the merging councils or, in default of agreement, determined by the Welsh Ministers.
- (4) One of the members of the committee appointed by a merging council must be the merging council's senior executive member.
- (5) If not already appointed under sub-paragraph (4), the executive member of a merging council with responsibility for finance must also be appointed as a member of the committee.
- (6) A transition committee may co-opt additional persons to serve as members of the committee but they may not vote.
- (7) A transition committee is to be treated for the purposes of paragraph 1 of Schedule 1 to the [Local Government and Housing Act 1989 \(c. 42\)](#) (political balance on local authority committees) as a body falling within paragraph 2 of that Schedule.
- (8) In this paragraph "senior executive member" means—
 - (a) in the case of a council operating a leader and cabinet executive, the executive leader;
 - (b) in the case of a council operating a mayor and cabinet executive, the elected mayor.

Functions of transition committees for merging councils

- 3 (1) A transition committee must provide to the merging councils, and to the shadow council for the new principal area, advice and recommendations for—

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

- (a) facilitating the economic, effective and efficient transfer of functions, staff and property rights and liabilities from the merging councils to the new principal council,
 - (b) ensuring that the new principal council and its staff are in a position to perform the new principal council's functions effectively as from the time when it assumes them, and
 - (c) any other purposes that the Welsh Ministers may specify in a direction to the transition committee.
- (2) A transition committee must also give advice and recommendations to the Welsh Ministers on any matter that the Welsh Ministers specify in a direction to the committee.

PART 2

RESTRUCTURING COUNCILS

Transition committees for restructuring councils

- 4 (1) After giving notice as described in section 129(6), the Welsh Ministers may direct two or more restructuring councils to establish a transition committee.
- (2) The Welsh Ministers may specify in a direction under sub-paragraph (1) the functions and membership of a transition committee established in accordance with the direction.

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.
- (2) The function of a sub-committee of a transition committee is to advise the transition committee on matters referred to the sub-committee by the transition committee.
- (3) The membership of a sub-committee of a transition committee is to be determined by the transition committee.
- (4) If a transition committee appoints as a member of a sub-committee a person who is not a member of one of the merging councils or restructuring councils, that person may not vote.

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 costs of a transition committee in the proportions which they agree or, in default of agreement, which are determined by the Welsh Ministers.

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

- (2) The merging councils or restructuring councils must provide to a transition committee the facilities and resources (including staff), information and documents reasonably requested by the transition committee (or any sub-committee of the transition committee) in order to enable it to exercise its functions.

Transition committees for merging councils or restructuring councils: further provision

- 7 (1) The Welsh Ministers may direct a transition committee to exercise its functions in accordance with the direction.
- (2) Neither a governance and audit committee nor an overview and scrutiny committee of a merging council or restructuring council may exercise any of its functions in relation to anything done by a transition committee; and for this purpose—
- “governance and audit committee” (*“pwyllgor llywodraethu ac archwilio”*) has the meaning given by section 81 of the 2011 Measure;
- “overview and scrutiny committee” (*“pwyllgor trosolwg a chraffu”*) has the meaning given by section 21(1) of the 2000 Act.
- (3) In this Part of this Schedule—
- (a) “transition committee” means a transition committee established in accordance with paragraph 1 or by virtue of paragraph 4;
- (b) a reference to a merging council in relation to a transition committee is to a merging council by which the transition committee is established;
- (c) a reference to a restructuring council in relation to a transition committee is to a restructuring council by which the transition committee is established.
- (4) Until section 115 comes into force, the references in sub-paragraph (2) to a governance and audit committee are to be read as references to an audit committee.

SCHEDULE 12

(introduced by section 137)

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 as described in section 129(6), the Welsh Ministers may direct a merging council or restructuring council that—
- (a) the council must not carry out a restricted activity unless it has considered the opinion of a specified person or persons on the appropriateness of carrying out the activity;
- (b) the council must not carry out a restricted activity unless the written consent of a specified person or persons has been given for the activity to be carried out.
- (2) The restricted activities are—
- (a) making a relevant land acquisition or disposal;
- (b) entering into a relevant contract or agreement;
- (c) making a relevant capital acquisition;

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- (d) giving a relevant grant or other financial assistance;
 - (e) making a relevant loan;
 - (f) including an amount of financial reserves in a calculation under section 32 of the [Local Government Finance Act 1992 \(c. 14\)](#);
 - (g) starting the process of recruiting (including by way of internal recruitment)
 - (i) a non-statutory chief officer mentioned in section 2(7) of the [Local Government and Housing Act 1989 \(c. 42\)](#);
 - (ii) a deputy chief officer mentioned in section 2(8) of that Act.
- (3) The Welsh Ministers may direct a merging council or restructuring council seeking to appoint or designate a person to a restricted post (including from among its existing officers) to comply with specified requirements about the appointment or designation.
- (4) “Restricted post”, in relation to a merging council or restructuring council, means—
- (a) its chief executive appointed under section 54;
 - (b) its monitoring officer designated under section 5(1) of the [Local Government and Housing Act 1989](#);
 - (c) a statutory chief officer mentioned in section 2(6) of that Act;
 - (d) its head of democratic services designated under section 8(1) of the 2011 Measure.
- (5) A merging council or restructuring council given a direction under sub-paragraph (1) must—
- (a) provide details of any proposal to carry out a restricted activity to any person or persons specified for the purpose of sub-paragraph (1)(a) or (b) in respect of that activity;
 - (b) provide the Welsh Ministers with details of a proposal to appoint or designate a person to a restricted post where any requirements apply in relation to the appointment or designation by virtue of a direction under sub-paragraph (3).
- (6) If an opinion given for the purposes of sub-paragraph (1)(a) is that it would not be appropriate for a merging council or restructuring council to carry out a restricted activity but the council decides to carry it out, the council must publish its reasons for making that decision.
- (7) Where a direction has been given under sub-paragraph (3), section 143A(1)(b) and (3) of the 2011 Measure (recommendations of Independent Remuneration Panel for Wales on remuneration) does not apply to a proposal to provide to the chief executive of a merging council or restructuring council remuneration which is different to that provided to the chief executive’s predecessor.
- (8) A direction given under this paragraph takes effect from the date specified.
- (9) In this paragraph, “specified” means specified in a direction given under this paragraph.
- (10) Until section 54 comes into force—
- (a) the reference in sub-paragraph (4)(a) to a council’s chief executive appointed under section 54 is to be read as a reference to the council’s head of paid service designated under section 4(1) of the [Local Government and Housing Act 1989 \(c. 42\)](#), and

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- (b) the references in sub-paragraph (7) to a council's chief executive are to be read as references to a council's head of paid service.

Directions under paragraph 1: supplementary

- 2 (1) This paragraph applies in relation to a direction under paragraph 1.
- (2) A person specified in the direction as a person whose opinion or consent is required may be such authority or other person as the Welsh Ministers consider appropriate, and this may include the Welsh Ministers, any transition committee (as to which, see Schedule 11) and any shadow council.
- (3) A direction may specify different persons—
 - (a) in relation to different matters for which an opinion or consent is required;
 - (b) in relation to different merging councils or restructuring councils.
- (4) A direction may specify, in relation to the same restricted activity, different requirements in respect of transactions of different values and in respect of different periods of time.
- (5) A direction may specify, in relation to the recruitment of a non-statutory chief officer or deputy chief officer—
 - (a) different requirements in respect of different levels of proposed remuneration;
 - (b) different requirements in respect of different descriptions of officer.
- (6) An opinion or consent for the purposes of a direction may be given in respect of a particular transaction or transactions of any description.
- (7) Any consent for the purposes of a direction may be given unconditionally or subject to conditions.
- (8) For the purposes of a direction relating to the recruitment of a non-statutory chief officer or deputy chief officer, an opinion given, or conditions to which a consent is subject, may in particular relate to—
 - (a) the remuneration to be provided to a recruited person;
 - (b) the duration of an appointment.
- (9) Any enactments relating to acquisitions or disposals, entering into contracts or agreements, giving grants or other financial assistance, making loans, or the recruitment or appointment of persons by merging councils or restructuring councils have effect subject to any direction.
- (10) Consent required by a direction is in addition to any consent required by any of those enactments.

Directions under paragraph 1: further provision about reserves

- 3 (1) A direction under paragraph 1—
 - (a) may provide that the opinion or consent of the person or persons specified in the direction is not required for the inclusion, in a calculation under section 32 of the [Local Government Finance Act 1992 \(c. 14\)](#), of financial reserves of a description specified in the direction;

- (b) may, in relation to a merging council or restructuring council, provide that an opinion or consent is not required for the inclusion in such a calculation of an amount of financial reserves not exceeding an amount specified in or determined under the direction.
- (2) If a direction contains provision by virtue of sub-paragraph (1), the reference in paragraph 1(2)(f) to an amount of financial reserves is to be read as a reference to an amount of financial reserves other than an amount permitted by the direction.

Directions under paragraph 1(3): supplementary

- 4 (1) This paragraph applies in relation to a direction under paragraph 1(3).
- (2) A direction may specify different requirements for different descriptions of post.
- (3) Requirements imposed on a merging council or restructuring council by a direction may, in particular, relate to—
 - (a) the remuneration to be provided to an appointed or designated person;
 - (b) the duration of an appointment or designation.
- (4) Any enactments relating to the recruitment, designation or appointment of persons by merging councils or restructuring councils have effect subject to any direction.

Directions: consequences of contravention

- 5 (1) An acquisition or disposal made in contravention of a direction given under paragraph 1 is void.
- (2) A contract (including a contract for employment) or agreement entered into in contravention of a direction given under paragraph 1 is unenforceable.
- (3) A grant or other financial assistance given, or a loan made, in contravention of a direction given under paragraph 1 is repayable.
- (4) If a merging council or restructuring council includes financial reserves in a calculation under section 32 of the [Local Government Finance Act 1992 \(c. 14\)](#) in contravention of a direction given under paragraph 1, the council is to be treated for the purposes of section 30(8) of that Act as not having made the calculations required by Chapter 3 of Part 1 of that Act.

Interpretation of paragraphs 1 and 7

- 6 (1) In paragraphs 1 and 7, “relevant land acquisition or disposal” means the acquisition or disposal of land where the consideration for the acquisition or disposal exceeds £150,000.
- (2) In sub-paragraph (1), the reference to the acquisition or disposal of land includes—
 - (a) the acquisition or grant or disposal of any interest in land,
 - (b) entering into a contract to acquire or dispose of land or to acquire or grant or dispose of any interest in land, and
 - (c) acquiring or granting an option to acquire any land or any interest in land.
- (3) In paragraphs 1 and 7, “relevant contract or agreement” means—
 - (a) any contract, other than a capital contract, under which the consideration exceeds £150,000 where—

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- (i) the period of the contract extends beyond the transfer date, or
 - (ii) under the terms of the contract, that period may be extended beyond the transfer date,
 - (b) any capital contract under which the consideration exceeds £500,000, or
 - (c) any framework agreement within the meaning of regulation 33(2) of the [Public Contracts Regulations 2015 \(S.I. 2015/102\)](#) where—
 - (i) the period of the framework agreement extends beyond the transfer date, or
 - (ii) under the terms of the framework agreement, that period may be extended beyond the transfer date.
- (4) In sub-paragraph (3), “capital contract” means a contract in respect of which the consideration payable by the merging council or restructuring council is expenditure which is capital expenditure for the purposes of Chapter 1 of Part 1 of the [Local Government Act 2003 \(c. 26\)](#) (capital finance; see section 16 of that Act).
- (5) In paragraphs 1 and 7, “relevant capital acquisition” means an acquisition of share capital or loan capital in any body corporate in respect of which the consideration exceeds £500,000, other than an acquisition of loan capital where—
 - (a) the acquisition of the loan capital is an investment for the purposes of the prudent management of the financial affairs of the merging council or restructuring council, and
 - (b) the investment is admitted to—
 - (i) the official list (within the meaning of the [Financial Services and Markets Act 2000 \(c. 8\)](#); see section 103(1) of that Act), or
 - (ii) an equivalent list maintained by an authority of an EEA State.
- (6) In paragraphs 1 and 7, “relevant grant or other financial assistance” means a grant or other financial assistance (other than a loan) of more than £150,000.
- (7) In paragraphs 1 and 7, “relevant loan” means a loan of more than £150,000 where—
 - (a) the period of the loan extends beyond the transfer date, or
 - (b) under the terms of the loan, that period may be extended beyond the transfer date.
- (8) The Welsh Ministers may by regulations substitute a different figure for that for the time being set out in sub-paragraph (1), (3)(a) or (b), (5), (6) or (7).

Determining whether financial limits have been exceeded

- 7 (1) For the purpose of making a determination as to whether a land acquisition or disposal is a relevant land acquisition or disposal, the consideration for the acquisition or disposal in question is to be treated as including the consideration for any other land acquisition or disposal that—
- (a) is made by the merging council or restructuring council either—
 - (i) after the relevant date but before the acquisition or disposal in question, or
 - (ii) on the same day as that acquisition or disposal, and
 - (b) relates to the same or a similar description of matter as that acquisition or disposal.

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- (2) For the purpose of making a determination as to whether a contract or agreement is a relevant contract or agreement, the consideration under the contract or agreement in question is to be treated as including the consideration under any other contract or agreement that—
- (a) is entered into by the merging council or restructuring council either—
 - (i) after the relevant date but before the contract or agreement in question, or
 - (ii) on the same day as that contract or agreement, and
 - (b) relates to the same or a similar description of matter as that contract or agreement.
- (3) For the purpose of making a determination as to whether the acquisition of share capital or loan capital in a body corporate is a relevant capital acquisition, the consideration in respect of the capital acquisition in question is to be treated as including the consideration in respect of any other acquisition of share capital or loan capital (other than an acquisition of loan capital where the conditions set out in paragraphs (a) and (b) of paragraph 6(5) are met) that—
- (a) is made by the merging council or restructuring council either—
 - (i) after the relevant date but before the capital acquisition in question, or
 - (ii) on the same day as that capital acquisition, and
 - (b) is made in the same body corporate as that capital acquisition.
- (4) For the purpose of making a determination as to whether a grant or other financial assistance (other than a loan) is a relevant grant or other financial assistance the amount of the grant or financial assistance in question is to be treated as including the amount of any other grant or financial assistance (other than a loan) that—
- (a) is given by the merging council or restructuring council either—
 - (i) after the relevant date but before the grant or financial assistance in question, or
 - (ii) on the same day as that grant or financial assistance, and
 - (b) is given to the same person as that grant or financial assistance.
- (5) For the purpose of making a determination as to whether a loan is a relevant loan, the amount of the loan in question is to be treated as including the amount of any other loan that—
- (a) is given by the merging council or restructuring council either—
 - (i) after the relevant date but before the loan in question, or
 - (ii) on the same day as that loan, and
 - (b) is given to the same person as that loan.
- (6) In this paragraph—
- “contract or agreement” (“*contract neu gytundeb*”) (other than in “relevant contract or agreement”, as to which see paragraph 6(3)) means—
- (a) any contract, other than a capital contract, where—
 - (i) the period of the contract extends beyond the transfer date, or
 - (ii) under the terms of the contract, that period may be extended beyond the transfer date;
 - (b) any capital contract (within the meaning of paragraph 6(4));

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- (c) any framework agreement within the meaning of regulation 33(2) of the [Public Contracts Regulations 2015 \(S.I. 2015/102\)](#) where—
 - (i) the period of the framework agreement extends beyond the transfer date, or
 - (ii) under the terms of the framework agreement, that period may be extended beyond the transfer date;
- “land acquisition or disposal” (“*cafffaeliad neu warediad tir*”) includes the things set out in paragraph 6(2);
- “loan” (“*benthyciad*”) (other than in “relevant loan”) means a loan where—
- (a) the period of the loan extends beyond the transfer date, or
 - (b) under the terms of the loan, that period may be extended beyond the transfer date;
- “the relevant date” (“*y dyddiad perthnasol*”) means—
- (a) the date on which the Welsh Ministers receive the merger application, or
 - (b) the date on which notice is given as described in section 129(6).

Financial limits: further provision

- 8 (1) Where the consideration, or any of the consideration, in respect of a transaction is not in money, the limits set out in paragraph 6 apply to the value of the consideration.
- (2) Where, in determining whether a limit set out in paragraph 6 is exceeded, a question arises as to the value of the consideration in relation to a transaction and the persons concerned fail to reach agreement, for the purposes of the determination the question is to be decided by the Welsh Ministers.

Guidance in relation to transactions, recruitment etc.

- 9 (1) A person specified in a direction under paragraph 1 must have regard to any guidance issued by the Welsh Ministers (and see section 146 in relation to guidance issued to principal councils)—
- (a) as to the operation of paragraphs 1 to 8;
 - (b) in relation to any direction given under paragraph 1;
 - (c) on carrying out restricted activities;
 - (d) on appointing and designating persons to restricted posts.
- (2) For the purposes of sub-paragraph (1), “restricted activities” and “restricted posts” are to be interpreted in accordance with paragraph 1.

SCHEDULE 13

(introduced by section 162)

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.

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- 2 Omit sections 33B and 33C (principal council’s response to a poll demanded at a community meeting).
- 3 In section 150(7) (expenses of polls)—
- (a) omit, in the second place it occurs, “or community”;
 - (b) after “meeting”, in the second place it occurs, insert “or of a community governance poll (as to which, see paragraph 34(8) of Schedule 12)”.
- 4 In section 243(3) (computation of time)—
- (a) omit “or community”;
 - (b) after “meeting” insert “or a community governance poll (as to which, see paragraph 34(8) of Schedule 12)”.
- 5 In Schedule 12, omit paragraphs 26A and 29A (response by community council to community poll).
- 6 (1) In Schedule 12, paragraph 34 (the making of decisions by community meetings) is amended as follows.
- (2) In sub-paragraph (1), for “poll consequent thereon” substitute “community governance poll”.
- (3) In sub-paragraph (2)—
- (a) omit “, in the first instance,”;
 - (b) omit “unless a poll is demanded”.
- (4) Omit sub-paragraph (4).
- (5) For sub-paragraphs (5) and (6) substitute—
- “(5) The Welsh Ministers may by regulations make provision about the conduct of community governance polls.
 - (6) Regulations under sub-paragraph (5) may apply any enactment relating to elections or referendums (with or without modifications) to community governance polls.
 - (7) A statutory instrument containing regulations under sub-paragraph (5) is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (6) At the end of paragraph 34 insert—
- “(8) In this Part of this Schedule, “community governance poll” means a poll held on a proposal of a kind mentioned in section 27A, 27C, 27E, 27G, 27I or 27K.”
- 7 In paragraph 37 of Schedule 12 (lending of ballot boxes etc.), in sub-paragraph (1) for “poll consequent on a community meeting” substitute “community governance poll”.
- 8 In paragraph 38 of Schedule 12 (offences) for “poll consequent on a community meeting” substitute “community governance poll”.
- 9 In Schedule 12, omit paragraphs 38A and 38B (notification of principal council of result of poll consequent on a community meeting).

Local Government and Housing Act 1989 (c. 42)

- 10 In the Local Government and Housing Act 1989, in section 5 omit subsection (8B) (functions of monitoring officers in relation to polls consequent on a community meeting).

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 of paragraph 34 of Schedule 12 to the 1972 Act).

SCHEDULE 14

(introduced by section 165)

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 amended as follows.
- (2) In section 1 (overview), in subsection (4)(f) after “collaborate” insert “, and to demerge”.
- (3) In section 37 (local well-being assessments), in subsection (2) omit “(6) or”.
- (4) In section 39 (local well-being plans)—
- (a) omit subsection (6);
 - (b) in subsection (7)—
 - (i) for “Subsequently, each” substitute “Each”;
 - (ii) for “subsequent ordinary election under that section” substitute “ordinary election under section 26 of the [Local Government Act 1972 \(c. 70\)](#)”.
- (5) In the heading of section 47, for “Merging” substitute “Merger and demerger of”.
- (6) In section 49 (directions)—
- (a) in subsection (1)—
 - (i) after “or” insert “(8) or section”;
 - (ii) after “public services” insert “board or”;
 - (b) after subsection (2) insert—

“(3) The Welsh Ministers may vary or revoke such a direction.”;
 - (c) in the heading, after “merge” insert “, demerge”.
- (7) In section 55 (interpretation), in the definition of “local well-being plan” for “or amended and published as amended under section 44(5)” substitute “, 44(5) or 47(6) or (11)”.

- (8) In Schedule 3 (further provision about public services boards), in paragraph 6(3) (sub-groups)—
- (a) in paragraph (h), after “44” insert “or 47”;
 - (b) in paragraph (i), after sub-paragraph (i) (and before the “or” which follows it) insert—
 - “(ia) if the board is a merged board under section 47, demerges or partially demerges under section 47(7),”.

Local Government Act 2000 (c. 22)

- 2 In the 2000 Act, in subsection (3B) of section 2 (promotion of well-being) for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.

Education Act 2002 (c. 32)

- 3 In the Education Act 2002, in section 21(9)(b) (relevant children and young people’s plan) for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.

Planning and Compulsory Purchase Act 2004 (c. 5)

- 4 In the Planning and Compulsory Purchase Act 2004, in section 62(7) (local development plan) for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.

Children Act 2004 (c. 31)

- 5 In the Children Act 2004, in section 25(9A) (co-operation to improve well-being) for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.

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

- 6 (1) The Children and Families (Wales) Measure 2010 is amended as follows.
- (2) In section 4(1) (strategies prepared by local authorities), for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.
 - (3) In section 5(5) (strategies prepared by other authorities), for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.

Mental Health (Wales) Measure 2010 (nawm 7)

- 7 In the Mental Health (Wales) Measure 2010, in section 2(2A) (joint schemes for the provision of local primary mental health support services) for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.

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

- 8 In the Social Services and Well-being (Wales) Act 2014, in section 14A (plans following assessment of needs)—
- (a) in subsection (3), for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”;
 - (b) in subsection (5), after “merging” insert “and demerging”.

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

- 9 In the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, in section 5(5A) (publication of local strategies) for “or 44(5)” substitute “, 44(5) or 47(6) or (11)”.