



Local Government and Elections (Wales) Act 2021

2021 asc 1

PART 2

GENERAL POWER OF COMPETENCE

CHAPTER 2

ELIGIBLE COMMUNITY COUNCILS

30 **Becoming an eligible community council**

- (1) A community council that meets each of the conditions set out in subsections (2) to (4) (“the eligibility conditions”) may become an eligible community council for the purposes of Chapter 1 by passing, at any meeting of the council, a resolution that it is an eligible community council.
- (2) The first condition is that at least two-thirds of the total number of councillors of the community council have been declared elected (whether at an ordinary election or at a by-election).
- (3) The second condition is that the clerk to the council holds such qualification or description of qualification as may be specified by the Welsh Ministers by regulations.
- (4) The third condition is that—
 - (a) the most recent AGW opinion on the council’s accounts—
 - (i) is an unqualified AGW opinion, and
 - (ii) was received by the council during the period of 12 months ending on the day the council will (if it passes a resolution in accordance with subsection (1)) become an eligible community council, and
 - (b) the AGW opinion on the council’s accounts which immediately preceded the opinion mentioned in paragraph (a) is also an unqualified AGW opinion.

Status: This is the original version (as it was originally enacted).

- (5) For the purposes of subsection (4) and section 34—
- (a) an AGW opinion is an opinion provided by the Auditor General for Wales under section 23 of the [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), having concluded an audit of a community council's accounts for a financial year, and
 - (b) an AGW opinion is unqualified if the Auditor General for Wales has not, in the opinion, expressed in any way that the Auditor General for Wales is not satisfied as to the matters set out in section 17 of the [Public Audit \(Wales\) Act 2004](#).
- (6) A community council that passes a resolution in accordance with subsection (1) becomes an eligible community council on passing the resolution.