

## SCHEDULE 3

### AMENDMENTS RELATING TO PART 2: GENERAL POWER OF COMPETENCE

#### PART 1

##### AMENDMENTS RELATING TO CHAPTER 1 OF PART 2: THE GENERAL POWER

##### *Local Government Act 2000 (c. 22)*

- 1 (1) Part 1 of the 2000 Act (promotion of economic, social or environmental well-being etc.) is amended as follows.
- (2) In section 2 (promotion of well-being)—
  - (a) in subsection (1)—
    - (i) for “local authority in Wales are” substitute “community council is”;
    - (ii) for “they consider” substitute “it considers”;
    - (iii) in paragraphs (a) to (c) for “their” in each place it occurs substitute “its”;
  - (b) in subsection (2), in paragraphs (a) and (b) for “local authority’s” in each place it occurs substitute “community council’s”;
  - (c) for subsections (3B) and (3C) substitute—

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

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*Status: This is the original version (as it was originally enacted).*

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- (f) in subsection (4A), in paragraphs (a) and (b) for “authority or to authorities” in each place it occurs substitute “community council or to community councils”;
  - (g) in subsection (5), for “local authority” substitute “community council”;
  - (h) in subsection (6), for “he considers” substitute “they consider”.
- (4) Omit section 5 (power to amend or repeal enactments).
- (5) In section 7 (power to modify enactments concerning plans etc.), in subsection (1) for “subsections (4) and (6)” substitute “subsection (4)”.
- (6) In the cross-heading preceding section 9, for the words after “under” substitute “this Part”.
- (7) In section 9A (procedure for orders under sections 5 and 7)—
- (a) in subsection (1), omit “5 or”;
  - (b) in subsection (2), omit “5 or”;
  - (c) in subsection (3)—
    - (i) omit “5 or”;
    - (ii) omit “5(3A) or”;
  - (d) in subsections (5) to (7) and the heading, omit “5 or” in each place where it occurs.

*Local Government Act 2003 (c. 26)*

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

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

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

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

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

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

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

*Localism Act 2011 (c. 20)*

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

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*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.