
WELSH STATUTORY INSTRUMENTS

2021 No. 231 (W. 57) (C. 6)

LOCAL GOVERNMENT, WALES

**The Local Government and Elections (Wales) Act 2021
(Commencement No. 1 and Saving Provision) Order 2021**

Made - - - - *3 March 2021*

The Welsh Ministers make the following Order in exercise of the power conferred on them by section 175(7) and (8) of the Local Government and Elections (Wales) Act 2021⁽¹⁾.

Title and interpretation

1.—(1) The title of this Order is the Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021.

(2) In this Order—

“the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000⁽²⁾;

“the Act” (“*y Ddeddf*”) means the Local Government and Elections (Wales) Act 2021.

Provisions coming into force on the day after the day on which this Order is made

2. The following provisions of the Act come into force on the day after the day on which this Order is made—

- (a) section 28;
- (b) section 30(3);
- (c) section 35;
- (d) section 46(1)(b), (c) and (2)(b) to the extent necessary for the purpose of making regulations;
- (e) section 46(3), (4) and (8) to (10);
- (f) section 47(8);
- (g) section 59;
- (h) section 161(1).

(1) 2021 asc 1.
(2) 2000 c. 22.

Provisions coming into force on 1 April 2021

3. The following provisions of the Act come into force on 1 April 2021—
- (a) section 163;
 - (b) section 164.

Provisions coming into force on 1 November 2021

4. The following provisions of the Act come into force on 1 November 2021—
- (a) sections 24 to 27;
 - (b) section 29;
 - (c) Part 1 of Schedule 3.

Provision coming into force on 1 April 2022

5. Section 52 of the Act comes into force on 1 April 2022.

Provisions coming into force on 5 May 2022

6. The following provisions of the Act come into force on 5 May 2022—
- (a) section 30 to the extent not already in force;
 - (b) sections 31 to 34;
 - (c) sections 36 and 37;
 - (d) Chapter 2 of Part 3;
 - (e) section 45;
 - (f) section 46 to the extent not already in force;
 - (g) section 48;
 - (h) section 54;
 - (i) section 56;
 - (j) section 57;
 - (k) section 58;
 - (l) section 62;
 - (m) section 63;
 - (n) sections 65 and 66;
 - (o) section 67;
 - (p) section 161 to the extent not already in force;
 - (q) section 162;
 - (r) Part 2 of Schedule 3;
 - (s) Schedule 5;
 - (t) Schedule 6, other than paragraph 6(5);
 - (u) Schedule 7;
 - (v) Schedule 13.

Saving provision relating to the power to promote well-being

7. Despite the coming into force of Part 2 of Schedule 3 to the Act by article 6, sections 2 and 3 of the 2000 Act continue to have effect in relation to anything done by a community council before 5 May 2022 in pursuance of their power in section 2 of the 2000 Act, until—

- (a) that thing has been completed; or
- (b) the community council has resolved to become an eligible community council under section 30(1) of the Act.

3 March 2021

Julie James
Minister for Housing and Local Government,
one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This is the first commencement order made by the Welsh Ministers under the Local Government and Elections (Wales) Act 2021 (“the Act”).

Article 2 of this Order brings the following provisions of the Act into force on the day after the day on which the Order is made—

- (a) section 28 (general power of competence: powers to make supplementary provision);
- (b) section 30(3) (condition of eligibility in relation to general power of competence for community councils and the power of the Welsh Ministers to make regulations in relation to that condition);
- (c) section 35 (power to amend or modify Chapter 2 of Part 2 of the Act);
- (d) section 46(1)(b), (c) and (2)(b) (the powers of the Welsh Ministers to make regulations in relation to electronic broadcasts of meetings of certain local authorities) to the extent necessary for the purpose of making regulations;
- (e) section 46(3), (4) and (8) to (10) (the powers of the Welsh Ministers to make regulations in relation to electronic broadcasts of meetings of certain local authorities);
- (f) section 47(8) (the power of the Welsh Ministers to amend section 47 of the Act in relation to attendance at local authority meetings);
- (g) section 59 (content of, and duty to have regard to, guidance under section 38 of the Local Government Act 2000 (“the 2000 Act”));
- (h) section 161(1) (head of democratic services: amendments to the Local Government (Wales) Measure 2011 (“the 2011 Measure”)).

Article 3 brings the following provisions of the Act into force on 1 April 2021—

- (a) section 163 (appointment by Local Democracy and Boundary Commission of its chief executive);
- (b) section 164 (directions under section 48 of the Local Government (Democracy) (Wales) Act 2013).

Article 4 brings into force provisions relating to the general power of competence on 1 November 2021.

Article 5 brings section 52 (annual reports by community councils) of the Act into force on 1 April 2022.

Article 6 brings the following provisions of the Act into force on 5 May 2022—

- (a) sections 30 (to the extent not already in force), 31 to 34, and 36 and 37 (general power of competence: eligible community councils);
- (b) Chapter 2 of Part 3 (public participation in decision-making by principal councils);
- (c) section 45 (principal councils’ duty to publish constitution and constitution guide);
- (d) section 46 (electronic broadcasts of meetings of certain local authorities) to the extent not already in force;
- (e) section 48 (participation at meetings of community councils);
- (f) section 54 (chief executives);

- (g) section 56 (amendments to the 2011 Measure relating to reconsideration of remuneration following direction by the Welsh Ministers);
- (h) section 57 (appointment of assistants to executive);
- (i) section 58 (job-sharing: executive leaders and executive members);
- (j) section 62 (duties of leaders of political groups in relation to standards of conduct);
- (k) section 63 (duty of standards committee to make annual report);
- (l) sections 65 and 66 (overview and scrutiny committees);
- (m) section 67 (community council training plans);
- (n) section 161 (head of democratic services: further amendments to the 2011 Measure and amendments to the Localism Act 2011) to the extent not already in force;
- (o) section 162 (abolition of polls consequent on a community meeting);
- (p) Part 2 of Schedule 3 (amendments relating to the general power of competence: eligible community councils);
- (q) Schedule 5 (consequential amendments relating to chief executives);
- (r) Schedule 6 (consequential amendments etc. relating to assistants to local authority executives) other than paragraph 6(5);
- (s) Schedule 7 (job-sharing by executive leaders and executive members);
- (t) Schedule 13 (abolition of polls consequent on community meetings under the Local Government Act 1972).

Article 7 saves sections 2 and 3 of the 2000 Act in relation to anything done by a community council before 5 May 2022 in pursuance of their power in section 2 of that Act until that thing has been completed or the community council has resolved to become an eligible community council under section 30(1) of the Act.