

Status: Point in time view as at 20/03/2021.

Changes to legislation: Local Government (Wales) Measure 2009 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 1

(introduced by section 51(1))

MINOR AND CONSEQUENTIAL AMENDMENTS: PART 1

Local Government, Planning and Land Act 1980 (c. 65)

1 Amend the Local Government, Planning and Land Act 1980 as follows.

Commencement Information

I1 Sch. 1 para. 1 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

2 In section 2, insert the following at the end of subsection (1)— “ or a Welsh improvement authority for the purposes of Part 1 of the Local Government (Wales) Measure 2009 ”.

Commencement Information

I2 Sch. 1 para. 2 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

Social Security Administration Act 1992 (c. 5)

3 Amend the Social Security Administration Act 1992 as follows.

Commencement Information

I3 Sch. 1 para. 3 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

4 In section 139A(2)(b), insert the following at the end— “ or Part 1 of the Local Government (Wales) Measure 2009 ”.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

5 In section 139C(1)(b), insert the following at the end— “ or Part 1 of the Local Government (Wales) Measure 2009 ”.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

6 In section 139D(1), for paragraph (ca) substitute the following—

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“(ca) a copy of a report has been sent to a local authority under section 22(3) of the Local Government (Wales) Measure 2009 and to the Secretary of State under section 22(5) of that Measure;”.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

Audit Commission Act 1998 (c. 18)

7 Amend the Audit Commission Act 1998 as follows.

Commencement Information

I7 Sch. 1 para. 7 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

8 In section 47A (reports relating to performance of English local authorities) omit subsection (5)(a).

Commencement Information

I8 Sch. 1 para. 8 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

Local Government Act 1999 (c. 27)

9 Amend the Local Government Act 1999 as follows.

Commencement Information

I9 Sch. 1 para. 9 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

10 In section 1 (best value authorities) omit subsections (1)(k), (6) and (7).

Commencement Information

I10 Sch. 1 para. 10 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

11 In section 2 (power to extend or disapply: Secretary of State) omit subsection (5A).

Commencement Information

I11 Sch. 1 para. 11 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

12 In section 3A (involvement of local representatives) omit subsection (3)(b).

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Commencement Information

I12 Sch. 1 para. 12 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

13 In section 10 (inspections) omit subsection (5)(a).

Commencement Information

I13 Sch. 1 para. 13 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

14 In section 10A (inspections: Auditor General for Wales) omit subsections (1)(a) and (4)(a).

Commencement Information

I14 Sch. 1 para. 14 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

15 In section 13A (reports of inspections under section 10A) omit subsection (5).

Commencement Information

I15 Sch. 1 para. 15 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

16 In section 15 (Secretary of State's powers) omit subsection (2)(aa).

Commencement Information

I16 Sch. 1 para. 16 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

17 In section 16 (power of Secretary of State to modify enactments and confer new powers) omit subsection (6)(b).

Commencement Information

I17 Sch. 1 para. 17 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

18 In section 19(5) (contracts: exclusion of non-commercial considerations), insert the following after paragraph (a)—
“(aa) a Welsh improvement authority for the purposes of the Local Government (Wales) Measure 2009.”

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Commencement Information

I18 Sch. 1 para. 18 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

19 In section 23(4)(za) (accounts) omit the words “Welsh best value authorities or”.

Commencement Information

I19 Sch. 1 para. 19 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

20 In section 25(2) (coordination of inspections etc) omit paragraph (d).

Commencement Information

I20 Sch. 1 para. 20 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

21 In section 28(2) (orders and regulations) omit “6, 7”.

Commencement Information

I21 Sch. 1 para. 21 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

22 In section 29 (modifications for Wales)—
 (a) in subsection (1A) omit “3, 10A, 12A, 13A, 15,” and “23, 25 and 26”;
 (b) omit subsections (2A), (4) and (6).

Commencement Information

I22 Sch. 1 para. 22 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

Local Government Act 2003 (c. 26)

23 Amend the Local Government Act 2003 as follows.

Commencement Information

I23 Sch. 1 para. 23 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

24 In section 36(1) (grants in connection with designation for service excellence), after “(best value duty)” insert “ or to a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009 ”.

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Commencement Information

I24 Sch. 1 para. 24 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

25 In section 36A (grants by Ministers of the Crown in respect of best value authorities etc)—

- (a) in subsection (1) after “best value authorities” insert “ or a Welsh improvement authority or Welsh improvement authorities ”;
- (b) in subsection (2)(b) for the words “Welsh best value authority” substitute “ Welsh improvement authority ”;
- (c) in subsection (3) insert at the end “ or a Welsh improvement authority ”;
- (d) in subsection (7) for the words “Welsh best value authority” to the end of the subsection substitute—

““Welsh improvement authority” means an authority which is a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009.”.

Commencement Information

I25 Sch. 1 para. 25 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

26 In section 36B (grants by Welsh Ministers in respect of Welsh best value authorities)

- (a) in subsection (1) from the words “the economic” to the end of the subsection substitute “ compliance by a Welsh improvement authority or Welsh improvement authorities with the requirements of Part 1 of the Local Government (Wales) Measure 2009 ”;
- (b) in subsection (2) after “best value authority” insert “ or Welsh improvement authority ”;
- (c) in subsection (6) for the words “Welsh best value authority” to the end of the subsection substitute—

““Welsh improvement authority” means an authority which is a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009.”.

Commencement Information

I26 Sch. 1 para. 26 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

F127

Textual Amendments

F1 Sch. 1 para. 27 omitted (20.3.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), ss. 168(1)(g)(i), 175(3)(t)

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- 28 In section 95(7) (power to trade in function-related activities through a company), in the definition of “relevant authority” after paragraph (a) insert—
 “(aa) a Welsh improvement authority;”.

Commencement Information

I27 Sch. 1 para. 28 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

- 29 In section 97(11) (power to modify enactments in connection with charging or trading), in the definition of “relevant authority” after paragraph (a) insert—
 “(aa) a Welsh improvement authority;”.

Commencement Information

I28 Sch. 1 para. 29 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

- 30 In section 101 (staff transfer matters: general)—
 (a) after subsection (5) insert—
 “(5A) The duties under Part 1 of the Local Government (Wales) Measure 2009 (local government improvement) have effect subject to subsections (1) and (3).”;
 (b) in subsection (7A) after paragraph (a) insert—
 “(aa) a Welsh improvement authority;”.

Commencement Information

I29 Sch. 1 para. 30 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

- 31 In section 124 (general interpretation) after the definition of “valuation tribunal” insert—
 ““Welsh improvement authority” means an authority which is a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009.”.

Commencement Information

I30 Sch. 1 para. 31 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

Fire and Rescue Services Act 2004 (c. 21)

- 32 Amend section 24 of the Fire and Rescue Services Act 2004 (best value) as follows.

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Commencement Information

I31 Sch. 1 para. 32 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

33 After subsection (2) insert the following—

“(3) Subsection (1) does not apply to a fire and rescue authority in Wales.

(4) Sections 21, 22, 26 and 27 of the Local Government (Wales) Measure 2009 apply in relation to a fire and rescue authority in Wales' compliance with section 21(7) as they apply in relation to a Welsh improvement authority's compliance with the requirements of Part 1 of that Measure.

(5) As applied by subsection (4), those sections have effect as if—

- (a) in section 21(1), paragraphs (a) and (b) and the word “if” preceding paragraph (a) were omitted;
- (b) sections 21(2)(b), (3), (5), (8) and (10) and 22(4) were omitted;
- (c) in section 22(1), for the words “a special inspection” there were substituted “an inspection under section 21”;
- (d) in section 22(2)(b), for the words “do either or both of the following” to the end there were substituted “make an order under section 22 of the Fire and Rescue Services Act 2004”;
- (e) in section 26(11), the words “or an inspection under section 21 as applied by section 24(4) of the Fire and Rescue Services Act 2004” were inserted at the end;
- (f) in section 27(1), the words “or inspections under section 21 as applied by section 24(4) of the Fire and Rescue Services Act 2004” were inserted at the end.”.

Commencement Information

I32 Sch. 1 para. 33 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

Public Audit (Wales) Act 2004 (c. 23)

34 Amend the Public Audit (Wales) Act 2004 as follows.

Commencement Information

I33 Sch. 1 para. 34 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

35 In section 41(1) (studies for improving economy etc in services) at the end of paragraph (a) insert— “or Welsh improvement authorities for the purposes of Part 1 of the Local Government (Wales) Measure 2009”.

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Commencement Information

I34 Sch. 1 para. 35 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

- 36 In section 54 (restriction on disclosure of information)—
 - (a) in subsection (1)(a) after the words “the Local Government Act 1999 (c. 27)” insert “ or Part 1 of the Local Government (Wales) Measure 2009 ”;
 - (b) in subsection (1)(b)—
 - (i) after the word “study” insert “ assessment ”;
 - (ii) at the end insert . “ or Part 1 of the Local Government (Wales) Measure 2009 ”
 - (c) in subsection (2)(b) after the words “the Local Government Act 1999 (c. 27)” insert “ or Part 1 of the Local Government (Wales) Measure 2009 ”.

Commencement Information

I35 Sch. 1 para. 36 in force at 1.4.2010 by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

SCHEDULE 2

(introduced by section 51(2))

MINOR AND CONSEQUENTIAL AMENDMENTS: PART 2

Local Government Act 2000 (c. 22)

- 1 Amend the Local Government Act 2000 as follows.

Commencement Information

I36 Sch. 2 para. 1 in force at 1.1.2010 by S.I. 2009/3272, art. 2, Sch. 1

- 2 In section 2 (promotion of well-being)—
 - ^{F2}(a)
 - (b) after subsection (3A) insert—
 - “(3B) In determining whether or how to exercise the power under subsection (1), a local authority in Wales must have regard to the community strategy for its area published under section 39(4) of the Local Government (Wales) Measure 2009 or, where the strategy has been amended following a review under section 41 of that Measure, the strategy most recently published under section 41(6).”.

Textual Amendments

F2 Sch. 2 para. 2(a) repealed (4.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 25 Pt. 1; S.I. 2012/1008, art. 2(d)

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Commencement Information

I37 Sch. 2 para. 2 in force at 1.1.2010 by S.I. 2009/3272, art. 2, Sch. 1

F33

Textual Amendments

F3 Sch. 2 para. 3 omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), ss. 100(2)(h), 115(3)(k)

Commencement Information

I38 Sch. 2 para. 3 in force at 1.1.2010 by S.I. 2009/3272, art. 2, Sch. 1

Planning and Compulsory Purchase Act 2004 (c. 5)

4 Amend section 62 of the Planning and Compulsory Purchase Act 2004 (local development plan) as follows.

Commencement Information

I39 Sch. 2 para. 4 in force at 1.1.2010 by S.I. 2009/3272, art. 2, Sch. 1

5 For subsection (5)(d) and (e) substitute—
“(d) any relevant community strategy;”.

Commencement Information

I40 Sch. 2 para. 5 in force at 1.1.2010 by S.I. 2009/3272, art. 2, Sch. 1

6 For subsection (7) substitute—
“A community strategy is relevant if—
(a) in the case of an authority which is a county council or county borough council, it has been published by the authority under section 39 of the Local Government (Wales) Measure 2009 or, if the strategy has been amended, it is the strategy most recently published under section 41 of that Measure;
(b) in the case of an authority which is a National Park authority—
(i) its production involved the authority as a community planning partner within the meaning of section 38 of that Measure; and
(ii) it has been published under section 39 of that Measure or, if the strategy has been amended, it is the strategy most recently published under section 41 of that Measure.”.

Commencement Information

I41 Sch. 2 para. 6 in force at 1.1.2010 by S.I. 2009/3272, art. 2, Sch. 1

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F4 SCHEDULE 3

(introduced by section 51(3))

Textual Amendments

- F4** Sch. 3 repealed (1.4.2016) by Well-being of Future Generations (Wales) Act 2015 (anaw 2), s. 56(2), Sch. 4 para. 23; S.I. 2016/86, art. 3

SCHEDULE 4

(introduced by section 52)

REPEALS

Commencement Information

- I42** Sch. 4 in force at 1.1.2010 for specified purposes by S.I. 2009/3272, art. 2, Sch. 1
- I43** Sch. 4 in force at 1.4.2010 for specified purposes by S.I. 2009/3272, art. 3(1), Sch. 2 (with art. 3(2)-(5)) (as amended (8.9.2010) by S.I. 2010/2237, art. 2)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Audit Commission Act 1998 (c. 18)	In section 47A, subsection (5)(a).
Local Government Act 1999 (c. 27)	In section 1, subsections (1)(k), (6) and (7). In section 2, subsection (5A). Section 2A. In section 3A, subsection (3)(b). Sections 4, 6, 7, 8A, 8B and 9. In section 10, subsection (5)(a). In section 10A, subsections (1)(a) and (4)(a). In section 13A, subsection (5). In section 15, subsection (2)(aa). In section 16, subsection (6)(b). Sections 17A and 17B. In section 23(4)(za), the words “Welsh best value authorities or”. In section 25(2), paragraph (d). In section 28(2), “6, 7”. In section 29(1A), “3, 10A, 12A, 13A, 15,” and “23, 25 and 26”.
Local Government Act 2000 (c. 22)	In section 4, subsection (5).

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