



Local Government and Elections (Wales) Act 2021

2021 asc 1

PART 10

GENERAL

171 Interpretation

(1) In this Act—

“1972 Act” (“*Deddf 1972*”) means the Local Government Act 1972 (c. 70);

“1983 Act” (“*Deddf 1983*”) means the Representation of the People Act 1983 (c. 2);

“2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000 (c. 22);

“2009 Measure” (“*Mesur 2009*”) means the Local Government (Wales) Measure 2009 (nawm 2);

“2011 Measure” (“*Mesur 2011*”) means the Local Government (Wales) Measure 2011 (nawm 4);

“2013 Act” (“*Deddf 2013*”) means the Local Government (Democracy) (Wales) Act 2013 (anaw 4);

“elected mayor” (“*maer etholedig*”) has the same meaning as in section 39(1) of the 2000 Act;

“enactment” (“*deddfiad*”) means an enactment whenever enacted or made (including this Act);

“executive” (“*gweithrediaeth*”) is to be interpreted in accordance with section 11 of the 2000 Act;

“executive arrangements” (“*trefniadau gweithrediaeth*”) has the same meaning as in section 10 of the 2000 Act;

“executive leader” (“*arweinydd gweithrediaeth*”) has the same meaning as in section 11(3)(a) of the 2000 Act;

“fire and rescue authority” (“*awdurdod tân ac achub*”) means a fire and rescue authority constituted by a scheme under section 2 of the Fire and

Status: Point in time view as at 01/04/2021.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 10. (See end of Document for details)

Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies;

“leader and cabinet executive” (“*gweithrediaeth arweinydd a chabinet*”) means a leader and cabinet executive (Wales) within the meaning of section 11(3) of the 2000 Act;

“local government election” (“*etholiad llywodraeth leol*”) means the 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 1972 Act;

“local people” (“*pobl leol*”), in relation to a principal council, means people who live, work or study in the council's area;

“mayor and cabinet executive” (“*gweithrediaeth maer a chabinet*”) has the same meaning as in section 11(2) of the 2000 Act;

“member” (“*aelod*”)—

- (a) in relation to a principal council, means a councillor of the council (which includes a councillor elected as chair or presiding member, or appointed as vice-chair or deputy presiding member), and
- (b) in relation to a principal council which is operating a mayor and cabinet executive, includes the elected mayor of the council;

“primary legislation” (“*deddfwriaeth sylfaenol*”) means—

- (a) a Measure passed under Part 3 of the Government of Wales Act 2006 (c. 32);
- (b) an Act passed under Part 4 of that Act;
- (c) an Act of Parliament;

“principal council” (“*prif gyngor*”) means—

- (a) the council for a county in Wales;
- (b) the council for a county borough (in Wales).

- (2) Where this Act imposes a duty to publish a notice or other document, the notice or other document must be published—
 - (a) electronically, and
 - (b) in such other manner as the person subject to the duty considers appropriate, and the duty to publish the notice or other document electronically is, where the person has its own website, a duty to publish on that website.

172 Directions

A direction given under this Act—

- (a) must be in writing;
- (b) must be complied with.

173 Power to make consequential and transitional provision etc.

- (1) If the Welsh Ministers consider it necessary or expedient for the purposes of, in consequence of, or for giving full effect to any provision of this Act, they may by regulations make—
 - (a) supplementary, incidental or consequential provision;
 - (b) transitional, transitory or saving provision.
- (2) Regulations under subsection (1) may amend, modify, repeal or revoke any enactment.

Status: Point in time view as at 01/04/2021.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 10. (See end of Document for details)

174 Regulations under this Act

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) A power to make regulations under this Act includes power to make different provision for different purposes or areas.
- (3) A power to make regulations under this Act includes a power to make supplementary, incidental, consequential, transitional, transitory or saving provision; but this subsection does not apply to the powers under—
 - (a) section 72, 74, 80 or 83 (corporate joint committees; as to which see section 83);
 - (b) section 124, 131 or 147 (mergers and restructuring; as to which see section 147).
- (4) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru
- (5) Subsection (4) applies to a statutory instrument containing regulations under any of the following provisions—
 - (a) section 28(1) or (2), where the regulations amend, modify, repeal or disapply primary legislation, unless the regulations are made only for a purpose described in subsection (8) of that section;
 - (b) section 28(3) or (4), unless the regulations are made only for a purpose described in subsection (8) of that section;
 - (c) section 35(1) or (3) (eligible community councils: eligibility requirements);
 - (d) section 46 (electronic broadcast of meetings);
 - (e) section 47(8) (attendance at local authority meetings);
 - (f) section 50 (regulations about conduct of local authority meetings, notices relating to such meetings, etc.);
 - (g) section 60(1) (job-sharing: non-executive offices in principal councils);
 - (h) section 72 (establishing requested corporate joint committees);
 - (i) section 74 (establishing corporate joint committees other than on request);
 - (j) section 80 (amendment etc. of joint committee regulations);
 - (k) section 83 (corporate joint committees: supplementary etc.);
 - (l) section 84(2)(amendment of enactments for purposes etc. of Part 5);
 - (m) section 94 (panel performance assessments: supplementary regulations);
 - (n) section 107(3) (disapplication etc. of enactments in relation to principal council functions exercisable by the Welsh Ministers etc.);
 - (o) section 110(1) or (2) (amendment etc. of enactments and conferral of new powers in relation to performance and governance of principal councils);
 - (p) section 124 (merger regulations);
 - (q) section 131 (restructuring regulations; but see section 148 for further provision about the procedure relating to a statutory instrument containing restructuring regulations);
 - (r) section 147 (further provision relating to merger regulations and restructuring regulations);
 - (s) section 159(6) (amendment of table 2 to change membership of information sharing group and their specified functions);
 - (t) section 173 (consequential etc. provision), where the regulations amend, modify or repeal primary legislation (including this Act).

Status: Point in time view as at 01/04/2021.

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- (6) A statutory instrument containing regulations under this Act and to which subsection (4) does not apply is subject to annulment in pursuance of a resolution of Senedd Cymru; but this subsection does not apply to a statutory instrument containing only regulations under paragraph 9, 10 or 11 of Schedule 1 (initial reviews).
- (7) In subsection (5), “primary legislation” includes a provision of primary legislation.

175 Coming into force

- (1) The following provisions come into force on the day after the day on which this Act receives Royal Assent—
- (a) section 50;
 - (b) section 51;
 - (c) paragraph 17(4) of Schedule 4 (and section 49 in so far as it relates to that paragraph);
 - (d) section 61;
 - (e) Part 5;
 - (f) Part 7 (including Schedule 1), subject to subsection (2);
 - (g) section 159, other than—
 - (i) subsection (4)(b) and (c);
 - (ii) in table 2 in subsection (5), the entry relating to the Auditor General for Wales' functions under Chapter 1 of Part 6;
 - (iii) in that table, in the entry relating to the Welsh Ministers' functions under this Act, the words from “, Chapter 1” to “areas”;
 - (h) section 160;
 - (i) section 166(2)(b)(iii) and (c) and (3)(b);
 - (j) this Part;
 - (k) paragraph 2(2) of Schedule 2;
 - (l) paragraph 16(3) of Schedule 2.
- (2) Subsection (1)(f) does not apply to the following provisions in Part 7 (which come into force in accordance with subsection (6) or (7) of this section)—
- (a) Chapter 2;
 - (b) each occurrence in the Part, other than in section 147(3), of the following terms—
 - (i) “or restructuring regulations”, “and restructuring regulations”, “or particular restructuring regulations” and “, restructuring regulations”;
 - (ii) “or restructuring councils”, “or restructuring council”, “or the restructuring councils” and “and restructuring councils”;
 - (c) in section 138—
 - (i) subsection (1)(b);
 - (ii) subsection (3);
 - (d) in section 139—
 - (i) subsection (2);
 - (ii) in subsection (3), the words “or (2)”;
 - (e) in section 140—
 - (i) in subsection (1)(a), the words “to another principal council (“council B”) or”;

Status: Point in time view as at 01/04/2021.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 10. (See end of Document for details)

- (ii) subsection (2);
 - (f) in section 141—
 - (i) in subsection (1)(a), the words “to another principal council (“council B”) or”;
 - (ii) in subsection (2)(a), the words “(including council B)”;
 - (iii) in subsection (2)(c), the words “if a new principal area containing all or part of council A’s area is to be constituted.”;
 - (iv) subsection (3);
 - (g) section 145(7)(b);
 - (h) section 148;
 - (i) in section 149—
 - (i) the definitions of “abolition request”, “council under consideration” and “restructuring council”;
 - (ii) in each of the definitions of “shadow council” and “transfer date”, paragraph (b);
 - (j) section 150(1)(a) and (b)(ii), (iv) and (v) and (2)(b) and (c);
 - (k) in Schedule 1—
 - (i) each reference to “11 or”;
 - (ii) in paragraph 1(3), the words “11(3) or”;
 - (iii) paragraphs 2(2), 6(2)(a) and 12(1)(a), (2) and (4)(a);
 - (iv) paragraph 2(4) and (5);
 - (l) in Schedule 11—
 - (i) Part 2;
 - (ii) in paragraph 7(3)(a), the words “or by virtue of paragraph 4”;
 - (iii) paragraph 7(3)(c);
 - (m) in Schedule 12—
 - (i) in paragraph 1(1), the words “or after giving notice as described in section 129(6)”;
 - (ii) in paragraph 7(6), in the definition of “the relevant date”, paragraph (b).
- (3) The following provisions come into force at the end of the period of two months beginning with the day on which this Act receives Royal Assent—
- (a) section 1;
 - (b) section 2(1) and (3) (subject to section 3);
 - (c) sections 3 and 4;
 - (d) sections 13 to 17;
 - (e) section 22 (subject to section 3);
 - (f) section 23 and Schedule 2—
 - (i) other than paragraphs 1(3) to (5), 1(7), 1(9), 2(2), 2(9) and (10), 2(18) (b), 5, 13, 16(2) and 16(3), and
 - (ii) subject to section 3 in respect of paragraphs 2(12), 8(3)(b), 15 and 19;
 - (g) section 38;
 - (h) section 53;
 - (i) section 55;
 - (j) section 60;
 - (k) section 94;

Status: Point in time view as at 01/04/2021.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 10. (See end of Document for details)

- (l) section 152;
 - (m) section 154;
 - (n) section 155;
 - (o) section 156;
 - (p) section 158;
 - (q) section 165 and Schedule 14;
 - (r) section 166, other than subsections (2)(b)(iii) and (c) and (3)(b) (as to which see subsection (1) of this section);
 - (s) section 167;
 - (t) section 168(1)(g)(i) and (2).
- (4) The following provisions come into force on 1 April 2021—
- (a) section 151;
 - (b) section 153;
 - (c) section 157.
- (5) Section 2(2) comes into force on 5 May 2022.
- (6) The following provisions come into force on 6 May 2022—
- (a) sections 5 to 12;
 - (b) the provisions in Schedule 1 mentioned in subsection (2)(k)(i) to (iii) of this section;
 - (c) in Schedule 2, paragraphs 2(9), (10) and (18)(b).
- (7) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (8) An order under subsection (7)—
- (a) may make transitional, transitory or saving provision;
 - (b) may appoint different days for different purposes or areas.

176 Short title

The short title of this Act is the Local Government and Elections (Wales) Act 2021.

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Point in time view as at 01/04/2021.

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