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Changes to legislation: Local Government and Elections (Wales) Act 2021, SCHEDULE 3 is up to date with all changes known to be in force on or before 24 July 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 3

(introduced by sections 29 and 37)

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 ”;

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- (e) in subsection (4), for “he considers” substitute “ they consider ”;
 - (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.

Commencement Information

I1 Sch. 3 para. 1 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

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).

Commencement Information

I2 Sch. 3 para. 2 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

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).

Commencement Information

I3 Sch. 3 para. 3 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

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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.

Commencement Information

I4 Sch. 3 para. 4 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

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).

Commencement Information

I5 Sch. 3 para. 5 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

Localism Act 2011 (c. 20)

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

Commencement Information

I6 Sch. 3 para. 6 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

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.

Commencement Information

I7 Sch. 3 para. 7 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

This Act

- 8 In Schedule 14 to this Act, omit paragraph 2.

Commencement Information

I8 Sch. 3 para. 8 in force at 1.11.2021 by S.I. 2021/231, art. 4(c)

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VALID FROM 05/05/2022

PART 2

AMENDMENTS RELATING TO CHAPTER 2 OF PART 2: ELIGIBLE COMMUNITY COUNCILS

Local Government Act 1972 (c. 70)

- 9 In the 1972 Act, in section 137(9) (power of local authorities to incur expenditure for certain purposes not otherwise authorised), in paragraph (b) after “community council” insert “ which is not an eligible community council for the purposes of Part 2 of the Local Government and Elections (Wales) Act 2021 (general power of competence) ”.

Local Government Act 2000 (c. 22)

- 10 In the 2000 Act, omit sections 2 and 3 (community councils' power to promote well-being).

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 11 (1) The Nationality, Immigration and Asylum Act 2002 is amended as follows.
- (2) In section 55 (late claims: refusal of support), in subsection (4) omit paragraph (c) (but not the “and” which follows it).
- (3) In Schedule 3 (withholding and withdrawal of support), in paragraph 1(1) omit paragraph (k).

Local Government Act 2003 (c. 26)

- 12 (1) The Local Government Act 2003 is amended as follows.
- (2) In section 93 (power to charge for discretionary services), in subsection (7) omit paragraph (c).
- (3) In Schedule 3 (amendment of certain powers), omit paragraph 12.

Local Government (Wales) Measure 2011 (nawm 4)

- 13 (1) The 2011 Measure is amended as follows.
- (2) Omit section 127 (enactments preventing a community council from exercising its well-being power).
- (3) Omit Chapter 9 of Part 7 (quality accreditation in community government).
- (4) In section 172 (orders and regulations)—
- (a) in subsection (2)(a), omit “or 140”;
- (b) in subsection (2)(b) omit “127 or”.
- (5) Omit section 173 (procedure applicable to certain orders under section 127).

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Localism Act 2011 (c. 20)

14 In the Localism Act 2011, in Schedule 1 (consequential amendments) omit paragraphs 2 and 4 and the cross-heading preceding paragraph 2.

This Act

15 In Part 1 of this Schedule, in paragraph 1 omit sub-paragraphs (2) and (3).

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