

*Status: Point in time view as at 01/11/2021. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, SCHEDULE 5. (See end of Document for details)*

VALID FROM 05/05/2022

## SCHEDULE 5

(introduced by section 54)

### CONSEQUENTIAL AMENDMENTS RELATING TO CHIEF EXECUTIVES

#### *Local Government Act 1972 (c. 70)*

- 1 In section 112(2A) of the 1972 Act (determination by councils of terms and conditions of certain senior staff), for “heads of paid service” substitute “ chief executives ”.

#### *Local Government Finance Act 1988 (c. 41)*

- 2 The Local Government Finance Act 1988 is amended as follows.
- 3 In section 114(3A) (consultation by chief finance officer in preparing reports)—
- [<sup>F1</sup>(a) for paragraph (a) substitute—
- “(a) with—
- (i) in the case of a Welsh county council or county borough council, the person who is for the time being appointed as the authority’s chief executive under section 54 of the Local Government and Elections (Wales) Act 2021;
  - (ii) in the case of a corporate joint committee, the person who is for the time being appointed as the authority’s chief executive;
  - (iii) in any other case, the person who is for the time being designated as the head of the authority’s paid service under section 4 of the Local Government and Housing Act 1989;”.]
- <sup>F2</sup>(b) .....

#### **Textual Amendments**

- F1** Sch. 5 para. 3(a) substituted (3.12.2021) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **42(3)(a)(i)**
- F2** Sch. 5 para. 3(b) omitted (3.12.2021) by virtue of The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **42(3)(a)(ii)**

- 4 In section 114A(3) (consultation by chief finance officer in preparing reports where council operates executive arrangements)—
- (a) in paragraph (a), after “Local Government and Housing Act 1989” insert “ or, in the case of a Welsh county council or county borough council, the person who is for the time being appointed as the authority's chief executive under section 54 of the Local Government and Elections (Wales) Act 2021 ”;

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- (b) in paragraph (b), for “that Act” substitute “ the Local Government and Housing Act 1989 ”.

*Local Government and Housing Act 1989 (c. 42)*

- 5 The Local Government and Housing Act 1989 is amended as follows.
- 6 In section 1 (disqualification and political restriction of certain officers and staff), after subsection (1) insert—
- “(1A) A person shall be disqualified from becoming (whether by election or otherwise) or remaining a member of any local authority in Wales if that person holds the post of chief executive of a local authority which is the council of a county or county borough in Wales.”
- 7 In section 2 (politically restricted posts)—
- (a) after subsection (1) insert—
- “(1A) For the purposes of this Part other than section 1(1), a person appointed as the chief executive of a local authority which is the council of a county or county borough in Wales is to be regarded as holding a politically restricted post under that authority.”;
- (b) in subsection (7)(a) and (b), after “head of the authority's paid service” in both places it occurs, insert “ or (in the case of a council for a county or county borough in Wales) the authority's chief executive ”.
- 8 In section 4(6) (definition of “relevant authority”)—
- (a) in paragraph (a), omit “and Wales”;
- (b) after paragraph (a) (and before the “and” which follows it) insert—
- “(aa) in relation to Wales, means an elected local policing body;”.
- 9 In section 5 (designation and reports of monitoring officer)—
- (a) in subsection (1B)—
- (i) omit “and Wales”;
- (ii) omit paragraph (b);
- (b) after subsection (1B) insert—
- “(1BA) The officer designated under subsection (1)(a) above by a relevant authority which is the council of a county or county borough in Wales may not be the authority's chief executive.”;
- [<sup>F3</sup>(c) for subsection (3)(a) substitute—
- “(a) in preparing a report under this section to consult so far as practicable with—
- (i) in the case of a relevant authority which is the council of a county or county borough in Wales, the person who is for the time being the authority’s chief executive and with their chief finance officer;
- (ii) in the case of a relevant authority which is a corporate joint committee, the person who is for the time being appointed as the authority’s

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- chief executive and with their chief finance officer;
- (iii) in the case of any other relevant authority, the person who is for the time being designated as the head of the authority's paid service under section 4 above and with their chief finance officer;"]

#### Textual Amendments

**F3** Sch. 5 para. 9(c) substituted (3.12.2021) by The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349), regs. 1(2), **42(3)(b)**

- 10 In section 5A(5) (consultation by monitoring officer on reports where council operates executive arrangements), in paragraph (a) after “chief finance officer” insert “ or, in the case of a council of a county or county borough in Wales, with the person who is for the time being the authority's chief executive and with their chief finance officer ”.
- 11 In section 21 (interpretation of Part 1), in subsection (3) before the definition of “contravention” insert—
- ““chief executive” means the person appointed under section 54 of the Local Government and Elections (Wales) Act 2021 as the chief executive of a council of a county or county borough in Wales;”.
- Local Government (Wales) Measure 2011 (nawm 4)*
- 12 The 2011 Measure is amended as follows.
- 13 In section 8(4) (officers who may not be designated head of democratic services), for paragraph (a) substitute—
- “(a) the authority's chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021;”.
- 14 In section 9(4) (functions of head of democratic services), for the words from “head of paid service” to the end substitute “ chief executive in section 54(2) of the Local Government and Elections (Wales) Act 2021 ”.
- 15 In section 143A (functions of the Independent Remuneration Panel for Wales in respect of remuneration of chief executives)—
- (a) in subsection (1)(a) and (b), for “head of paid service” substitute “ chief executive ”;
- (b) in subsection (3), for “head of paid service” substitute “ chief executive ”;
- (c) in subsection (3B), for “head of paid service” substitute “ chief executive ”;
- (d) in subsection (5A)(a), for “head of paid service” substitute “ chief executive ”;
- (e) in subsection (7)—
- (i) omit the definition of “head of paid service”;
- (ii) before the definition of “pay policy statement” insert—

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““chief executive” (“*prif weithredwr*”) means a chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021;”;

- (f) for the heading substitute “ Functions relating to remuneration of chief executives ”.

*Police Reform and Social Responsibility Act 2011 (c. 13)*

16 In section 75 of the Police Reform and Social Responsibility Act 2011 (the appropriate officer for a police area)—

- (a) in subsection (2), for “in relation to any such police area, means the head of paid service of the local authority designated for that police area” substitute “means—

(a) in relation to a police area in England, the head of paid service of the local authority designated for that police area;

(b) in relation to a police area in Wales, the chief executive of the local authority designated for that police area.”;

- (b) in subsection (3)—

- (i) before the definition of “local authority” insert—

““chief executive” means the person appointed by a county council or county borough council in Wales under section 54 of the Local Government and Elections (Wales) Act 2021;”;

- (ii) in the definition of “head of paid service”, after “a council” insert “ in England ”.

*Localism Act 2011 (c. 20)*

17 In section 43(2) of the Localism Act 2011 (definition of “chief officer” for purposes of pay policy statements)—

- (a) after paragraph (a) insert—

<sup>F4</sup>“(aa) its chief executive appointed under—

(i) section 54 of the Local Government and Elections (Wales) Act 2021 (chief executive of council in Wales), or

(ii) regulations made under Part 5 of that Act (chief executive of a corporate joint committee).”];

- (b) in paragraph (b), for “that Act” substitute “ the Local Government and Housing Act 1989 ”.

**Textual Amendments**

- F4** Words in Sch. 5 para. 17(a) substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **42(3)(c)**

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*Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*

18 In section 77 of the Anti-social Behaviour, Crime and Policing Act 2014 (duration of notices prohibiting access to certain premises), for subsection (6) substitute—

“(6) In this section “chief executive officer” means—

- (a) in relation to a local authority in England, the authority's head of paid service designated under section 4 of the Local Government and Housing Act 1989;
- (b) in relation to a local authority in Wales, the authority's chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021.”

*Well-being of Future Generations (Wales) Act 2015 (anaw 2)*

19 In the second column of the table in paragraph 7 of Schedule 3 to the Well-being of Future Generations (Wales) Act 2015 (representatives of council at meetings of public services boards), for “head of the authority's paid service designated under section 4 of the Local Government and Housing Act 1989 (c. 42)” substitute “ authority's chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021 ”.

*This Act*

20 In this Act, omit paragraph 1(10) of Schedule 12.

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