

*Status: Point in time view as at 01/11/2021.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 13. (See end of Document for details)*

VALID FROM 05/05/2022

## SCHEDULE 13

(introduced by section 162)

### ABOLITION OF POLLS CONSEQUENT ON COMMUNITY MEETINGS UNDER THE 1972 ACT

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

- 1 The 1972 Act is amended as follows.
- 2 Omit sections 33B and 33C (principal council's response to a poll demanded at a community meeting).
- 3 In section 150(7) (expenses of polls)—
  - (a) omit, in the second place it occurs, “or community”;
  - (b) after “meeting”, in the second place it occurs, insert “ or of a community governance poll (as to which, see paragraph 34(8) of Schedule 12) ”.
- 4 In section 243(3) (computation of time)—
  - (a) omit “or community”;
  - (b) after “meeting” insert “ or a community governance poll (as to which, see paragraph 34(8) of Schedule 12) ”.
- 5 In Schedule 12, omit paragraphs 26A and 29A (response by community council to community poll).
- 6 (1) In Schedule 12, paragraph 34 (the making of decisions by community meetings) is amended as follows.
  - (2) In sub-paragraph (1), for “poll consequent thereon” substitute “ community governance poll ”.
  - (3) In sub-paragraph (2)—
    - (a) omit “, in the first instance,”;
    - (b) omit “unless a poll is demanded”.
  - (4) Omit sub-paragraph (4).
  - (5) For sub-paragraphs (5) and (6) substitute—
    - “(5) The Welsh Ministers may by regulations make provision about the conduct of community governance polls.
    - (6) Regulations under sub-paragraph (5) may apply any enactment relating to elections or referendums (with or without modifications) to community governance polls.
    - (7) A statutory instrument containing regulations under sub-paragraph (5) is subject to annulment in pursuance of a resolution of Senedd Cymru.”
- (6) At the end of paragraph 34 insert—

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	“(8) In this Part of this Schedule, “community governance poll” means a poll held on a proposal of a kind mentioned in section 27A, 27C, 27E, 27G, 27I or 27K.”
7	In paragraph 37 of Schedule 12 (lending of ballot boxes etc.), in subparagraph (1) for “poll consequent on a community meeting” substitute “community governance poll”.
8	In paragraph 38 of Schedule 12 (offences) for “poll consequent on a community meeting” substitute “community governance poll”.
9	In Schedule 12, omit paragraphs 38A and 38B (notification of principal council of result of poll consequent on a community meeting).
	<i>Local Government and Housing Act 1989 (c. 42)</i>
10	In the Local Government and Housing Act 1989, in section 5 omit subsection (8B) (functions of monitoring officers in relation to polls consequent on a community meeting).
	<i>Local Government (Wales) Measure 2011 (nawm 4)</i>
11	In the 2011 Measure, omit sections 93 to 99.
	<i>This Act</i>
12	In this Act, omit paragraph 1(8) of Schedule 2 (amendment of paragraph 34 of Schedule 12 to the 1972 Act).

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