

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)

SCHEDULE 13 **E+W**

(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.

Commencement Information

I1 Sch. 13 para. 1 in force at 5.5.2022 by S.I. 2021/231, art. 6(v)

2 Omit sections 33B and 33C (principal council's response to a poll demanded at a community meeting).

Commencement Information

I2 Sch. 13 para. 2 in force at 5.5.2022 by S.I. 2021/231, art. 6(v)

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) ”.

Commencement Information

I3 Sch. 13 para. 3 in force at 5.5.2022 by S.I. 2021/231, art. 6(v)

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) ”.

Commencement Information

I4 Sch. 13 para. 4 in force at 5.5.2022 by S.I. 2021/231, art. 6(v)

5 In Schedule 12, omit paragraphs 26A and 29A (response by community council to community poll).

Commencement Information

I5 Sch. 13 para. 5 in force at 5.5.2022 by S.I. 2021/231, art. 6(v)

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)—

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- (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—

“(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.”

Commencement Information

I6 Sch. 13 para. 6 in force at 5.5.2022 by S.I. 2021/231, art. 6(v)

7 In paragraph 37 of Schedule 12 (lending of ballot boxes etc.), in sub-paragraph (1) for “poll consequent on a community meeting” substitute “ community governance poll ”.

Commencement Information

I7 Sch. 13 para. 7 in force at 5.5.2022 by S.I. 2021/231, art. 6(v)

8 In paragraph 38 of Schedule 12 (offences) for “poll consequent on a community meeting” substitute “ community governance poll ”.

Commencement Information

I8 Sch. 13 para. 8 in force at 5.5.2022 by S.I. 2021/231, art. 6(v)

9 In Schedule 12, omit paragraphs 38A and 38B (notification of principal council of result of poll consequent on a community meeting).

Commencement Information

I9 Sch. 13 para. 9 in force at 5.5.2022 by S.I. 2021/231, art. 6(v)

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Local Government and Housing Act 1989 (c. 42)

- 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).

Commencement Information

I10 Sch. 13 para. 10 in force at 5.5.2022 by S.I. 2021/231, art. 6(v)

Local Government (Wales) Measure 2011 (nawm 4)

- 11 In the 2011 Measure, omit sections 93 to 99.

Commencement Information

I11 Sch. 13 para. 11 in force at 5.5.2022 by S.I. 2021/231, art. 6(v)

This Act

- 12 In this Act, omit paragraph 1(8) of Schedule 2 (amendment of paragraph 34 of Schedule 12 to the 1972 Act).

Commencement Information

I12 Sch. 13 para. 12 in force at 5.5.2022 by S.I. 2021/231, art. 6(v)

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