



# Local Government Act 1972

## 1972 CHAPTER 70

### PART II **W**

#### LOCAL GOVERNMENT AREAS AND AUTHORITIES IN WALES

##### Extent Information

**E1** Part II (ss. 20-38) extends to Wales only: see [s. 38](#)

#### *New local government areas*

#### [<sup>F1</sup>20] **New principal local government areas in Wales. **W****

- (1) For the administration of local government on and after 1st April 1996, the local government areas in Wales shall be—
  - (a) the new principal areas; and
  - (b) the communities.
- (2) The new principal areas (determined by reference to areas which, immediately before the passing of the Local Government (Wales) Act 1994, are local government areas) are set out in Parts I and II of Schedule 4 to this Act.
- (3) Each of the new principal areas shall have the name given to it in Schedule 4.
- (4) The new principal areas set out in Part I of Schedule 4 shall be counties and those set out in Part II of that Schedule shall be county boroughs.
- (5) In this Act “principal area”, in relation to Wales, means a county or county borough.
- (6) The counties which were created by this Act, as originally enacted, as counties in Wales, and the districts within them, shall cease to exist on 1st April 1996 except that the preserved counties shall continue in existence (with, in some cases, modified boundaries) for certain purposes.

*Status: Point in time view as at 15/11/2001.*

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- (7) The councils of the counties and districts mentioned in subsection (6) above shall cease to exist on 1st April 1996.
- (8) The areas of the preserved counties are set out in Part III of Schedule 4 and are determined by reference to local government areas in existence immediately before the passing of the Local Government (Wales) Act 1994.
- (9) The Secretary of State may by order change the name by which any of the preserved counties is for the time being known.
- (10) Any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) The Welsh name of each of the new principal areas is shown in Schedule 4 immediately after its English name.]

#### Textual Amendments

- F1** S. 20 substituted (5.7.1994) by 1994 c. 19, ss. 1(1), 66(2)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

### *Principal councils*

#### [<sup>F2</sup>21 Constitution of principal councils in Wales. **W**

- (1) For every principal area in Wales there shall be a council consisting of a chairman and councillors.
 

[ Where a council falling within subsection (1) are operating executive arrangements <sup>F3</sup>(1A) which involve a mayor and cabinet executive or a mayor and council manager executive, the council shall consist of an elected mayor, a chairman and councillors.]
- (2) Each such council shall be a body corporate and shall have the functions given to them by this Act or otherwise.
- (3) Each council for a county in Wales shall have the name of the county with the addition—
  - (a) in the case of their English name, of the words “County Council” or the word “Council” (as in “Cardiganshire County Council” or “Cardiganshire Council”); and
  - (b) in the case of their Welsh name, of the word “Cyngor” (as in “Cyngor Sir Aberteifi”).
- (4) Each council for a county borough in Wales shall have the name of the county borough with the addition—
  - (a) in the case of their English name, of the words “County Borough Council” or the word “Council” (as in “Caerphilly County Borough Council” or “Caerphilly Council”); and
  - (b) in the case of their Welsh name, of the words “Cyngor Bwrdeistref Sirol” or the word “Cyngor” (as in “Cyngor Bwrdeistref Sirol Caerffili” or “Cyngor Caerffili”).

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- (5) In the case of Abertawe, Caerdydd and Powys subsection (3)(b) above shall have effect as if it required the addition of the words “Cyngor Sir”.]

#### Textual Amendments

- F2** S. 21 substituted (20.3.1995) by 1994 c. 19, s. 2 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, Sch.
- F3** S. 21(1A) inserted (28.7.2001) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 4(1)(2)

### *Members of principal councils*

## 22 Chairman. **W**

- (1) The chairman of a principal council shall be elected annually by the council from among the councillors.

[<sup>F4</sup>(1A) Where a council falling within subsection (1) are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, the council shall consist of an elected mayor, a chairman and councillors.]

- (2) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

- (3) During his term of office the chairman shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.

[<sup>F5</sup>(4) The chairman of a principal council shall have precedence in the area of that council, but not so as to affect Her Majesty’s prerogative prejudicially.]

[<sup>F6</sup>(4A) Subsection (4) above shall have effect in relation to a principal council which are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive as if it provided for the elected mayor of the council to have precedence in the area of that council, but this subsection shall not apply if the executive arrangements provide for it not to apply.]

- (5) A principal council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

#### Textual Amendments

- F4** S. 22(1A) inserted (28.7.2001) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 5(1)(2)
- F5** S. 22(4) substituted (1.4.1996) by 1994 c. 19, s. 66(5), Sch. 15 para. 2 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
- F6** S. 22(4A) inserted (28.7.2001) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 5(1)(3)

## 23 Election of chairman. **W**

- (1) The election of the chairman shall be the first business transacted at the annual meeting of a principal council.

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- (2) If, apart from section 22(3) above or section 24(2) below, the person presiding at the meeting would have ceased to be a member of the council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.
- (3) In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

**Modifications etc. (not altering text)**

C1 S. 23 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 4(1)

**24 Vice-chairman. W**

- (1) A principal council shall appoint a member of the council to be a vice-chairman of the council.
- [<sup>F7</sup>(1A) A member of the executive of a principal council may not be appointed as the vice-chairman of the council.]
- (2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.
- (3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.
- (4) A principal council may pay the vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

**Textual Amendments**

F7 S. 24(6)(1A) inserted (28.7.2001) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 6(1)(2)

**Modifications etc. (not altering text)**

C2 S. 24 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 4(1)

**25 Term of office and retirement of councillors. W**

- (1) Councillors for a principal area shall be elected by the local government electors for that area in accordance with this Act and Part I of the [<sup>F8</sup>Representation of the People Act 1983].
- [<sup>F9</sup>(2) For the purpose of the election of councillors, every principal area in Wales shall be divided into electoral divisions, each returning such number of councillors as may be provided by an order under paragraph 2 of Schedule 5 to this Act or under or by virtue of the provisions of Part IV of this Act.
- (3) There shall be a separate election for each electoral division.]

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#### Textual Amendments

- F8** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), s. 206, Sch. 8 para. 12](#)
- F9** [S. 25\(2\)\(3\) substituted for s. 25\(2\) \(20.3.1995\) by 1994 c. 19, s. 4\(1\) \(with ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)\); S.I. 1995/546, art. 3, Sch.](#)

#### [<sup>F10</sup>25A Title of chairman or vice-chairman of county borough council. **W**

- (1) The chairman of a county borough council is entitled to the style of “mayor” or “maer”.
- (2) The vice-chairman of a county borough council is entitled to the style of “deputy mayor” or “dirprwy faer”.]
- [<sup>F11</sup>(3) This section does not apply where a county borough council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive.]

#### Textual Amendments

- F10** [S. 25A inserted \(3.4.1995\) by 1994 c. 19, s. 66\(5\), Sch. 15 para. 3 \(with ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)\); S.I. 1995/852, art. 9\(1\), Sch. 5](#)
- F11** [S. 25A\(3\) inserted \(28.7.2001\) by 2000 c. 22, ss. 46, 108\(4\), Sch. 3 para. 7\(1\)\(2\)](#)

#### [<sup>F12</sup>26 Elections of councillors. **W**

- (1) The ordinary elections of councillors of the new principal councils shall take place in [<sup>F13</sup>2004] and in every fourth year after [<sup>F13</sup>2004].
- (2) The term of office of every such councillor shall be four years.
- (3) On the fourth day after any such ordinary election—
- (a) the persons who were councillors immediately before the election shall retire; and
- (b) the newly elected councillors shall assume office.]

#### Textual Amendments

- F12** [S. 26 substituted \(20.3.1995\) by 1994 c. 19, s. 4\(2\) \(with ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)\); S.I. 1995/546, art. 3, Sch.](#)
- F13** [Words in s. 26\(1\) substituted \(15.11.2001\) by S.I. 2001/3540, art. 2\(1\)\(3\)](#)

### Communities

#### [<sup>F14</sup>27 Community meetings and continuation of community councils. **W**

- (1) A meeting of the local government electors for a community (“a community meeting”) may be convened for the purpose of discussing community affairs and exercising any functions conferred by any enactment on such meetings.

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- (2) The community councils in existence on 1st April 1996 shall, subject to any provision made under this Act, continue in existence after that date.
- (3) Subsection (4) below applies where—
  - (a) the name of a community was given only in its English form or only in its Welsh form; but
  - (b) there is a generally accepted alternative form of that name, or alternative name, in Welsh or (as the case may be) in English.
- (4) The principal council within whose area the community lies shall, before 1st October 1997, take such steps as may be prescribed with a view to securing that there is both an English and a Welsh name for the community.]

#### Textual Amendments

**F14** S. 27 substituted (1.4.1996) by 1994 c. 19, s. 8 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, Sch. 1

#### [<sup>F15</sup>28 Establishment or dissolution of community councils. **W**

- (1) A community meeting of a community which does not have a separate community council may apply to the principal council within whose area it lies for an order establishing a council for the community.
- (2) A community meeting of a community which has a separate community council may apply to the principal council within whose area it lies for an order dissolving the community council.
- (3) If, on any application under this section, the principal council are satisfied that the relevant requirements of section 29B below and Schedule 12 to this Act have been complied with, they shall make the order applied for.
- (4) An order under this section establishing a separate community council for a community shall make such provision as appears to the council making it to be necessary for the election of a community council in accordance with this Act and Part I of the Representation of the <sup>M1</sup>People Act 1983.
- (5) An order under this section establishing a separate community council for a community grouped under a common community council shall not be made unless—
  - (a) the community is separated from the group, or
  - (b) the group is dissolved,
 by the order, or by an order under section 29A below.
- (6) Where, in a case to which subsection (5) above applies, the group is not dissolved, the order under this section shall make such provision as appears to the principal council making it to be necessary for the alteration of the group's community council.
- (7) Subject to section 30 below, an application under subsection (1) or (2) above may be made at any time.
- (8) This section is subject to section 29B below.]

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#### Textual Amendments

**F15** S. 28 substituted (1.4.1996) by 1994 c. 19, s. 9 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, Sch. 1

#### Marginal Citations

**M1** 1983 c. 2.

### [<sup>F16</sup>29 Community councils for groups of communities. **W**

- (1) A community meeting of a community may apply to the principal council within whose area the community is situated—
  - (a) for an order grouping the community with some neighbouring community or communities which lie in the same principal area as the applicant, under a common community council, or
  - (b) for an order adding the community to a group of communities—
    - (i) which are all in the area of the same principal council as the community; and
    - (ii) for which there is a common community council.
- (2) If, on any application under this section, the principal council are satisfied that—
  - (a) the relevant requirements of section 29B below and Schedule 12 to this Act have been complied with, and
  - (b) in the case of an application under subsection (1)(b) above, that a community meeting of each of the communities in the group has consented to the applicant becoming a member of the group,they shall make the order applied for.
- (3) Subject to section 30 below, an application under subsection (1) above may be made at any time.
- (4) An order under this section shall provide for the name of the group in both an English and a Welsh form.
- (5) An order under this section shall—
  - (a) make such provision as appears to the council making it to be necessary for the election, in accordance with this Act and Part I of the Representation of the <sup>M2</sup>People Act 1983, of separate representatives on the community council for each community or for the wards of any community or, in the case of an order which adds a community to a group, for that community or for the wards of that community; and
  - (b) provide for the dissolution of the separate community council of any community included in the group.
- (6) An order under this section shall make such provision as appears to the council making it to be necessary for the application to the communities included in the group of all or any of the provisions of section 79 of the <sup>M3</sup>Charities Act 1993 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community.
- (7) An order under this section may provide for any necessary adaptations of this Act in relation to the group of communities.



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(8) This section is subject to section 29B below.]

#### Textual Amendments

**F16** S. 29 substituted (1.4.1996) by 1994 c. 19, s. 10 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, Sch. 1

#### Modifications etc. (not altering text)

**C3** S. 29(1) restricted (5.7.1994) by 1994 c. 19, s. 66(2)(b)(7), Sch. 17 Pt. II para. 9 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

#### Marginal Citations

**M2** 1983 c. 2.

**M3** 1993 c. 10.

### [<sup>F17</sup>29A Community councils for groups of communities: dissolution. **W**]

- (1) The council of a group of communities may apply to the principal council within whose area the communities lie for an order dissolving the group.
- (2) A community meeting of a community included in a group of communities may apply to the principal council within whose area the community lies for an order separating the community from the group.
- (3) If, on any application under this section, the principal council are satisfied that—
  - (a) the relevant requirements of section 29B below and Schedule 12 to this Act have been complied with, and
  - (b) in the case of an application under subsection (1) above, that a community meeting of each of the communities in the group has consented to the dissolution of the community council,
 they shall make the order applied for.
- (4) Where a community council are dissolved by an order under this section, the order shall make such provision as appears to the principal council to be necessary for the election of a community council for any of the communities in the group in accordance with this Act and Part I of the Representation of the <sup>M4</sup>People Act 1983.
- (5) Where a community is separated from a group by an order under this section, the order shall make such provision as appears to the principal council to be necessary for the election of a community council for the community in accordance with this Act and Part I of the Representation of the <sup>M5</sup>People Act 1983.
- (6) Subject to section 30 below, an application under subsection (1) above may be made at any time.
- (7) This section is subject to section 29B below.]

#### Textual Amendments

**F17** S. 29A inserted (1.4.1996) by 1994 c. 19, s. 11 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, Sch. 1



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#### Marginal Citations

M4 1983 c. 2.

M5 1983 c. 2.

### [<sup>F18</sup>29B Community councils: applications under section 28, 29 or 29A. **W**

- (1) An application under section 28, 29 or 29A above may be made only if—
  - (a) a poll of the local government electors in the community has been held;
  - (b) a majority of those voting in the poll supports the proposal; and
  - (c) in the case of an application under section 29(1)(a), the application is made jointly with the communities to be grouped under the common community council.
- (2) In the case of an application under section 29A(1), paragraphs (a) and (b) of subsection (1) above apply in relation to each of the communities concerned.
- (3) The consent required by section 29(2)(b) or 29A(3)(b) above may be given by a community meeting only if—
  - (a) a poll of the local government electors in the community has been held; and
  - (b) a majority of those voting in the poll supports the proposal.
- (4) At any community meeting at which there is discussed a proposal—
  - (a) for the establishment, or for the dissolution, of a community council,
  - (b) for the grouping of the community with another community or communities (on an application under section 29(1)(a) or (b) above), under a common community council;
  - (c) for the separation of the community from the communities with which it is grouped under a common community council;
  - (d) for the dissolution of the common community council for the communities with which it is grouped;
  - (e) for the giving of the consent required by section 29(2)(b) or 29A(3)(b) above, a decision to hold a poll on the question shall be effective only if not less than the required number of local government electors is present and voting.
- (5) The required number of local government electors is such number as is equal to 30% of the local government electorate or, if that number exceeds 300, is 300.
- (6) No poll shall be held for the purposes of this section before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.
- (8) Where the result of any poll (“the previous poll”) held for the purposes of this section is the rejection of the proposal with respect to which the poll was held, no further poll on that question shall be held before the end of the period of two years beginning with the date on which the previous poll was held.]

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**Textual Amendments**

**F18** S. 29B inserted (1.4.1996) by 1994 c. 19, s. 12(1) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, **Sch. 1**

**30 Restriction on community applications during and after reviews. W**

(1) Subject to subsection (3) below, no community application shall be made in relation to any community—

- <sup>F19</sup>(a) .....
- (b) during the two years beginning with the coming into force of an order relating to the community under Part IV of this Act consequent on the report or proposals of [<sup>F20</sup>the Welsh Commission] on a review under that Part of this Act of [<sup>F21</sup>any area] of which the community forms part or, as the case may be, of the community; or
- (c) during the two years beginning with the coming into force of an order made under this Part of this Act on a community application in relation to the community.

<sup>F22</sup>(2) .....

(3) The Secretary of State may, on an application made by [<sup>F20</sup>the Welsh Commission] at any time when conducting a review under Part IV of this Act or on an application by a [<sup>F23</sup>principal] council at any time when conducting such a review, direct that no community application shall be made in relation to any community affected by the review until the Secretary of State further directs.

(4) Notwithstanding anything in [<sup>F24</sup>subsection (1)] above but without prejudice to subsection (3) above, the Secretary of State may permit the making of a community application in relation to a community if requested to do so by the council of the [<sup>F25</sup>area] in which the community is situated or by the community council (if any) or a community meeting of the community.

(5) In this section “community application” means any application under section 28 [<sup>F26</sup>, 29 or 29A] above.

**Textual Amendments**

- F19** S. 30(1)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 4(a), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F20** Words in s. 30(1)(b)(3) substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), **Sch. 3 para. 11**; S.I. 1992/2371, **art. 2**
- F21** Words in s. 30(1)(b) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 4(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F22** S. 30(2) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 4(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F23** Word in s. 30(3) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 4(c)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F24** Words in s. 30(4) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 4(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F25** Word in s. 30(4) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 4(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

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**F26** Words in s. 30(5) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 4(e)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**Modifications etc. (not altering text)**

**C4** S. 30(3)(4): power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwise *prosp.*) by 2000 c. 41, **ss. 20(3)(a)**, 163(2)(3)(d) (with s. 156(6))

**31 Provision supplementary to sections 27 to 29. W**

- (1) An order made by a [<sup>F27</sup>principal] council under section [<sup>F28</sup>28, 29 or 29A] above may contain such incidental, consequential, transitional or supplementary provision as may appear to the [<sup>F27</sup>principal] council to be necessary or proper for the purposes or in consequence of the order or for giving full effect thereto, and may include provision with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities.
- (2) Where any such order is made, section 68 below shall apply as if the order were made under Part IV of this Act.
- (3) Two copies of every such order shall be sent to the Secretary of State.

**Textual Amendments**

**F27** Words in s. 31(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 5(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F28** Words in s. 30(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 5(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**Modifications etc. (not altering text)**

**C5** S. 31 applied (5.7.1994) by 1994 c. 19, **ss. 48(3)**, 66(2)(a) (with ss. 54(5)(7), 55(5))

**C6** S. 31(3): power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwise *prosp.*) by 2000 c. 41, **ss. 20(3)(a)**, 163(2)(3)(d) (with s. 156(6))

**32 Constitution of community meeting. W**

- (1) A community meeting of a community shall consist of local government electors for the community.
- (2) A community meeting may authorise the person presiding and two other local government electors present at the meeting to do anything or any class of things authorised by the meeting.
- (3) Any act of a community meeting may be signified by an instrument signed by the person presiding and two other local government electors present at the meeting.

**[<sup>F29</sup>33 Constitution and powers of community councils. W**

- (1) A community council shall be a body corporate consisting of the chairman and community councillors and shall have the functions given to them by this Act or otherwise.
- (2) Each community council shall have the name of the community, with the addition—

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- (a) in English, of the words “Community Council” (as in “Dale Community Council” or “Llandrillo Community Council”); and
  - (b) in Welsh, of the words “Cyngor Cymuned” (as in “Cyngor Cymuned Dale” or “Cyngor Cymuned Llandrillo”).
- (3) A community council need not have a common seal.
- (4) Where a community council do not have a seal, any act of theirs which is required to be signified by an instrument under seal may be signified by an instrument signed and sealed by two members of the council.]

#### Textual Amendments

**F29** S. 33 substituted (1.4.1996) by 1994 c. 19, s. 13 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, Sch. 1

### [<sup>F30</sup>33A Consultation with community councils. **W**

- (1) The Secretary of State may by order designate any matter—
- (a) for the purposes of subsection (2) below; or
  - (b) for the purposes of subsection (3) below.
- (2) Where a new principal council are to consider any proposal which relates to a matter which is designated for the purposes of this subsection, the council shall—
- (a) afford the relevant community councils an opportunity to make representations to them about the proposal;
  - (b) before making any decision in relation to the proposal, take into account any representations made to them by any relevant community council with respect to the proposal; and
  - (c) when they take a decision with respect to the proposal, notify without delay any relevant community council by whom any such representations have been made.
- (3) If a community council have given written notice to the relevant principal council—
- (a) that they wish to be consulted about a specified proposal which is to be considered by the principal council, and which relates to a matter designated for the purposes of this subsection, or
  - (b) that they wish to be consulted about any proposal which is to be considered by the principal council and which relates to such a matter,
- the principal council shall take the steps mentioned in subsection (2) above in relation to that community council.
- (4) An order under this section may—
- (a) prescribe circumstances (including, in particular, the need to act with urgency) in which subsections (2) and (3) above do not apply;
  - (b) give the Secretary of State power, in such circumstances as may be prescribed by the order, to provide that in relation to any principal council specified by him, those subsections shall not apply or shall apply only to the extent specified by him.

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- (5) A contravention of the duty imposed by subsection (2) or (3) above shall not affect the validity of any decision of a principal council or of anything done in pursuance of any such decision.
- (6) In this section—  
“relevant community council”, in relation to a principal council, means the council of any community which is, or group of communities which are, within the area of the principal council; and  
“relevant principal council”, in relation to any community council, means the principal council within whose area the community is, or group of communities are, situated.
- (7) The power to make an order under this section shall include power—  
(a) to make such incidental, consequential, transitional or supplemental provision as the Secretary of State thinks necessary or expedient; and  
(b) to make different provision for different areas, including different provision for different localities and for different authorities.]

#### Textual Amendments

**F30** S. 33A inserted (3.4.1995) by 1994 c. 19, s. 14 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 3(1), Sch. 1

### 34 Chairman and vice-chairman of community council. **W**

- (1) The chairman of a community council shall be elected annually by the council from among the councillors.
- (2) The election of a chairman shall be the first business transacted at the annual meeting of the community council and if, apart from subsection (8) below, the person presiding at the meeting would have ceased to be a member of the community council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.
- (3) In the case of an equality of votes in the election of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (5) A community council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.
- (6) A community council may appoint a member of the council to be vice-chairman of the council.
- (7) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council.
- (8) During their term of office the chairman and vice-chairman shall continue to be members of the council notwithstanding the provisions of this Act relating to the retirement of community councillors.

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(9) Subject to any standing orders made by the community council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.

**35 Community councillors. W**

(1) Community councillors shall be elected by the local government electors for the community in accordance with this Act and Part I of the [F31Representation of the People Act 1983].

[F32(2) There shall be ordinary elections of community councillors in [F332004] and in every fourth year thereafter.

(2A) The term of office of the community councillors shall be four years.

(2B) On the fourth day after any such ordinary election—

- (a) the persons who were councillors immediately before the election shall retire; and
- (b) the newly elected councillors shall assume office.]

(3) Where a community is not divided into community wards there shall be one election of community councillors for the whole community.

(4) Where a community is divided into community wards there shall be a separate election of community councillors for each ward.

**Textual Amendments**

**F31** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 8 para. 12**

**F32** S. 35(2)(2A)(2B) substituted for s. 35(2) (3.4.1995) by 1994 c. 19, **s. 15** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 3(1), **Sch. 1**

**F33** Word in s. 35 substituted (15.11.2001) by S.I. 2001/3540, **art. 2(2)(3)**

**[F34] 36 ..... W**

**Textual Amendments**

**F34** S. 36 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. IV**

*Miscellaneous*

**[F35] 37 Establishment of principal councils in Wales. W**

Schedule 5 to this Act shall have effect with respect to the establishment of principal councils in Wales and connected matters.]

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**Textual Amendments**

**F35** S. 37 substituted (20.3.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 6** (with ss. 54(6)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**

**38** **Extent of Part II.** **W**

This Part of this Act shall extend to Wales only.



**Status:**

Point in time view as at 15/11/2001.

**Changes to legislation:**

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