



# Local Government Act 1972

## 1972 CHAPTER 70

### PART II

#### LOCAL GOVERNMENT AREAS AND AUTHORITIES IN WALES

##### *Communities*

#### [<sup>F1</sup>27 **Community meetings and continuation of community councils.**

- (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.
- (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**

- F1** 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

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**[<sup>F2</sup>27A Power of community meeting to apply for an order establishing a community council**

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which does not have a separate council for an order under section 27B establishing a separate council for the community.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to establish a separate council for the community.
- (3) For the purposes of the first condition a decision is only effective if not less than—
  - (a) 10% of the local government electors for the community, or
  - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
 are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to establish a separate council for the community (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that a majority of those voting in the poll support the proposal to establish a separate council for the community.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.]

**Textual Amendments**

**F2** S. 27A inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. 101, 178(2) (with s. 115)

**[<sup>F3</sup>27B Orders establishing separate community councils for communities**

- (1) This section applies where a community meeting of a community which does not have a separate council applies to the principal council within whose area it lies for an order establishing a separate council for the community.
- (2) The principal council must consider whether it is satisfied that—
  - (a) the conditions in section 27A are met; and
  - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (6) below).
- (4) The order shall make such provision as appears to the principal council to be necessary for the election of a community council in accordance with this Act and Part I of the Representation of the People Act 1983.
- (5) No order shall be made so as to establish a separate community council for a community grouped under a common community council unless—
  - (a) the community is separated from the group, or
  - (b) the group is dissolved,

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by the order, or by an order under section 27J or section 27L 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 to be necessary for the alteration of the group's community council.]

#### Textual Amendments

- F3** S. 27B inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 102**, 178(2) (with s. 115)

### [<sup>F4</sup>27C Power of community meeting to apply for an order dissolving its separate community council

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community which has a separate council for an order under section 27D dissolving the council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to dissolve the council for the community.
- (3) For the purposes of the first condition a decision is only effective if not less than—
- (a) 30% of the local government electors for the community, or
  - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
- are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the separate council for the community (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to dissolve the separate council for the community.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.]

#### Textual Amendments

- F4** S. 27C inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 103**, 178(2) (with s. 115)

### [<sup>F5</sup>27D Orders dissolving separate community councils for communities

- (1) This section applies where a community meeting of a community which has a separate council applies to the principal council within whose area it lies for an order dissolving the council for the community.
- (2) The principal council must consider whether it is satisfied that—
- (a) the conditions in section 27C are met; and

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(b) any relevant requirements of Schedule 12 have been met.

(3) If the council is so satisfied, the council must make the order applied for.]

**Textual Amendments**

**F5** S. 27D inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 104**, 178(2) (with s. 115)

**[<sup>F6</sup>27E Power of community meeting to apply for an order grouping its community with other communities under a common community council**

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27F grouping the community with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (3) For the purposes of the first condition a decision is only effective if not less than—
  - (a) 10% of the local government electors for the community, or
  - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
 are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of an identical proposal to group the community with a neighbouring community or communities (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that a majority of those voting in the poll support the proposal to group the community with a neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (7) The fifth condition is that the application is made jointly with the community meeting, or meetings, for the community, or communities to be grouped under the common community council.
- (8) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.]

**Textual Amendments**

**F6** S. 27E inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 105**, 178(2) (with s. 115)

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## **[<sup>F7</sup>27F Orders grouping a community with other communities under a common community council**

- (1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order grouping the community with some neighbouring community or communities which lie in the same principal area as the community, under a common community council.
- (2) The principal council must consider whether it is satisfied that—
  - (a) the conditions in section 27E are met; and
  - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).
- (4) The order shall provide for the name of the group in both an English and a Welsh form.
- (5) The order shall—
  - (a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for each community or for the wards of any community, and
  - (b) provide for the dissolution of the separate community council of any community included in the group.
- (6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of [<sup>F8</sup>sections 298 to 303 of the Charities Act 2011 (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) The order may provide for any necessary adaptations of this Act in relation to the group of communities.]

### **Textual Amendments**

- F7** S. 27F inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 106**, 178(2) (with s. 115)
- F8** Words in s. 27F(6) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 7 para. 23** (with s. 20(2), Sch. 8)

## **[<sup>F9</sup>27G Power of community meeting to apply for an order adding its community to a group of communities with a common council**

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting for an order under section 27H adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (2) The first condition is that the community meeting has taken an effective decision to hold a poll on a proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.

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- (3) For the purposes of the first condition a decision is only effective if not less than—
  - (a) 10% of the local government electors for the community, or
  - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
 are present and voting at the community meeting.
- (4) The second condition is that a majority of those voting in the poll support the proposal to add the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (5) The third condition is that a community meeting of each of the communities in the group has made an effective decision to hold a poll on a proposal to consent to the community in question becoming a member of the group.
- (6) For the purposes of the third condition a decision is only effective if not less than—
  - (a) 10% of the local government electors for the community, or
  - (b) 150 of the electors (if 10% of the electors exceeds 150 electors),
 are present and voting at the community meeting.
- (7) The fourth condition is that a majority of those voting in a poll following an effective decision for the purposes of the third condition support the proposal to consent to the community in question becoming a member of the group.
- (8) The fifth condition is that none of the above polls are held within two years of an earlier poll which resulted in a rejection of an identical proposal to add the community in question to the group of communities (that period of two years beginning with the day on which the earlier poll was held).
- (9) The sixth condition is that none of the above polls are held before the end of the period of 42 days beginning with the day on which the decision to hold that poll was taken.
- (10) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.]

#### Textual Amendments

**F9** S. 27G inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 107, 178(2)** (with s. 115)

#### [<sup>F10</sup>27H Orders adding a community to a group of communities with a common council

- (1) This section applies where a community meeting of a community applies to the principal council within whose area it lies for an order adding the community to a group of communities all of which lie in the same principal area as the community and for which there is a common community council.
- (2) The principal council must consider whether is it satisfied that—
  - (a) the conditions in section 27G are met; and
  - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsections (4) to (7) below).
- (4) order shall provide for the name of the group in both an English and a Welsh form.

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- (5) The order shall—
- (a) make such provision as appears to the principal council to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for the community that is added to the group or for the wards of that community, and
  - (b) provide for the dissolution of any separate community council for the community that is added to the group.
- (6) The order shall make such provision as appears to the principal council to be necessary for the application to the communities included in the group of all or any of the provisions of <sup>F11</sup>sections 298 to 303 of the Charities Act 2011 (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) The order may provide for any necessary adaptations of this Act in relation to the group of communities.]

#### Textual Amendments

- F10** S. 27H inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 108, 178(2)** (with s. 115)
- F11** Words in s. 27H(6) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 7 para. 24** (with s. 20(2), [Sch. 8](#))

#### <sup>F12</sup>27I **Power of council for a group of communities to apply for an order dissolving the group**

- (1) This section sets out the conditions that must be met before an application may be made by a council for a group of communities to the principal council in whose area the communities lie for an order under section 27J below dissolving the group.
- (2) The first condition is that a community meeting of each of the communities in the group has taken an effective decision to hold a poll on a proposal to dissolve the group.
- (3) For the purposes of the first condition a decision is only effective if not less than—
  - (a) 30% of the local government electors for the community, or
  - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),are present and voting at the community meeting.
- (4) The second condition is that no poll is held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that no poll is held within two years of an earlier poll which resulted in a rejection of a proposal to dissolve the group (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two thirds of those voting in each poll support the proposal to dissolve the group.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.]



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#### Textual Amendments

**F12** S. 27I inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 109**, 178(2) (with s. 115)

### [<sup>F13</sup>27J Orders dissolving a group of communities

- (1) This section applies where the council for a group of communities applies to the principal council within whose area the communities lie for an order dissolving the group.
- (2) The principal council must consider whether is it satisfied that—
  - (a) the conditions in section 27I are met; and
  - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).
- (4) 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 People Act 1983.]

#### Textual Amendments

**F13** S. 27J inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 110**, 178(2) (with s. 115)

### [<sup>F14</sup>27K Power of community meeting to apply for an order separating community from a group of communities

- (1) This section sets out the conditions that must be met before an application may be made by a community meeting of a community included in a group of communities for an order under section 27L separating the community from the group.
- (2) The first condition is that a community meeting of the community has taken an effective decision to hold a poll on a proposal to separate the community from its group.
- (3) For the purposes of the first condition a decision is only effective if not less than—
  - (a) 30% of the local government electors for the community, or
  - (b) 300 of the electors (if 30% of the electors exceeds 300 electors),
 are present and voting at the community meeting.
- (4) The second condition is that the poll is not held before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (5) The third condition is that the poll is not held within two years of an earlier poll which resulted in a rejection of a proposal to separate the community from its group (that period of two years beginning with the day on which the earlier poll was held).
- (6) The fourth condition is that at least two-thirds of those voting in the poll support the proposal to separate the community from its group.



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(7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.]

#### Textual Amendments

**F14** S. 27K inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 111**, 178(2) (with s. 115)

#### [<sup>F15</sup>27L Orders separating a community from a group of communities

- (1) This section applies where a community meeting of a community included in a group of communities applies to the principal council within whose area the community lies for an order separating the community from the group.
- (2) The principal council must consider whether is it satisfied that—
  - (a) the conditions in section 27K are met; and
  - (b) any relevant requirements of Schedule 12 have been met.
- (3) If the council is so satisfied, the council must make the order applied for (but this is subject to subsection (4)).
- (4) 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 People Act 1983.]

#### Textual Amendments

**F15** S. 27L inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 112**, 178(2) (with s. 115)

#### [<sup>F16</sup>27M Power of Welsh Ministers to alter voting thresholds in connection with organisation of community councils

- (1) The Welsh Ministers may by order amend the following provisions of this Act—
  - (a) section 27A(3) and (6);
  - (b) section 27C(3) and (6);
  - (c) section 27E(3) and (6);
  - (d) section 27G(3), (4), (6) and (7);
  - (e) section 27I(3) and (6);
  - (f) section 27K(3) and (6).
- (2) That power includes power to amend provision previously made by an order under subsection (1).
- (3) No order may be made under subsection (1) unless the Welsh Ministers have carried out such consultation as they consider appropriate with the following—
  - (a) principal councils in Wales or a body representative of such councils; and
  - (b) community councils in Wales or a body representative of such councils.

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- (4) The power of the Welsh Ministers to make an order under subsection (1) is exercisable by statutory instrument.
- (5) A statutory instrument which contains an order under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.]

**Textual Amendments**  
**F16** S. 27M inserted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. **113**, 178(2)

**F17 28 Establishment or dissolution of community councils.**

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**Textual Amendments**  
**F17** Ss. 28-29B repealed (11.5.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. 100, 178(1), **Sch. 4 Pt. E** (with s. 115)

**F17 29 Community councils for groups of communities.**

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**Textual Amendments**  
**F17** Ss. 28-29B repealed (11.5.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. 100, 178(1), **Sch. 4 Pt. E** (with s. 115)

**F17 29A Community councils for groups of communities: dissolution.**

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**Textual Amendments**  
**F17** Ss. 28-29B repealed (11.5.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. 100, 178(1), **Sch. 4 Pt. E** (with s. 115)

**F17 29B Community councils: applications under section 28, 29 or 29A.**

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**Textual Amendments**  
**F17** Ss. 28-29B repealed (11.5.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. 100, 178(1), **Sch. 4 Pt. E** (with s. 115)

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### 30 Restriction on community applications during and after reviews.

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

<sup>F18</sup>(a) .....

<sup>F19</sup>(b) .....

<sup>F20</sup>(ba) during the period of two years beginning with the coming into force of an order relating to the community under Part 3 of the Local Government (Democracy) (Wales) Act 2013 consequent on recommendations made under that Part by the Local Democracy and Boundary Commission for Wales]

(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>F21</sup>(2) .....

(3) The Secretary of State may, on an application made by [<sup>F22</sup>the [<sup>F23</sup>Local Democracy and Boundary Commission for Wales]] at any time when conducting a review <sup>F24</sup>... [<sup>F25</sup>or Part 3 of the Local Government (Democracy) (Wales) Act 2013] or on an application by a [<sup>F26</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>F27</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>F28</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 [<sup>F29</sup>referred to in section 27B, 27D, 27F, 27H, 27J or 27L] above.

#### Textual Amendments

- F18** 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**
- F19** S. 30(1)(b) repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**
- F20** S. 30(1)(ba) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(3)(a)**
- F21** 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**
- F22** 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**
- F23** Words in s. 30(3) substituted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(3)(b)(i)**
- F24** Words in s. 30(3) repealed (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 2**
- F25** Words in s. 30(3) inserted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(3)(b)(ii)**
- F26** 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**
- F27** 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**

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**F28** 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**

**F29** Words in s. 30(5) substituted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 114(1)(a), 178(2)** (with s. 115)

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

**C1** 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 [F<sup>30</sup>27A to 27L].**

(1) An order made by a [F<sup>31</sup>principal] council under section [F<sup>32</sup>27B, 27D, 27F, 27H, 27J or 27L] above may contain such incidental, consequential, transitional or supplementary provision as may appear to the [F<sup>31</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 [F<sup>33</sup>44 of the Local Government (Democracy) (Wales) Act 2013 is to apply as if the order were made under Part 3 of that Act.]

(3) Two copies of every such order shall be sent to the Secretary of State.

**Textual Amendments**

**F30** Words in s. 31 heading substituted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 114(1)(b)(i), 178(2)** (with s. 115)

**F31** 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**

**F32** Words in s. 31(1) substituted (10.7.2011) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 114(1)(b)(ii), 178(2)** (with s. 115)

**F33** Words in s. 31(2) substituted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), s. 75(2)(d), **Sch. 1 para. 1(4)**

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

**C2** S. 31 applied (5.7.1994) by 1994 c. 19, **ss. 48(3), 66(2)(a)** (with ss. 54(5)(7), 55(5))

**C3** 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.**

(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.

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### [<sup>F34</sup>33 Constitution and powers of community councils.

- (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—
  - (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

**F34** 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>F35</sup>33A Consultation with community councils.

- (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;

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- (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.
- (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

**F35** 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

### [<sup>F36</sup>33B Principal council's response to a community poll

- (1) This section applies where a principal council has been given a notice under paragraph 38B(3) or (5)(a) of Schedule 12 to this Act which contains a determination that a question in relation to which a poll consequent on a community meeting was taken relates to the council's functions.
- (2) The council must, during the relevant period, perform one of the actions described in subsection (4).
- (3) If the council chooses to perform more than one action, the council may do so during or after the relevant period.
- (4) The actions referred to in subsection (2) are as follows—
  - (a) to exercise the council's functions in accordance with the question in relation to which the poll was taken;
  - (b) to include the question of what action (if any) the council should take in response to the community poll within the business to be transacted at a meeting of the principal council held within the relevant period (and for this purpose a meeting of a committee or sub-committee of the council does not count);
  - (c) to initiate a consultation exercise which seeks the views of such members of the public as the council considers appropriate about what action (if any) the council should take in response to the community poll;

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- (d) to hold a meeting open to members of the public, at such venue as the council considers appropriate, for the purpose of seeking the views of members of the public about what action (if any) the council should take in response to the community poll;
  - (e) to initiate research for the purpose of assisting the council to decide what action (if any) it should take in response to the community poll;
  - (f) to refer the question of what action (if any) the council should take in response to the community poll to an overview and scrutiny committee with a request that the committee reports its conclusions to the council.
- (5) In this section the “relevant period” means the period of two months beginning on the day following that on which the notice referred to in subsection (1) was given.]

#### Textual Amendments

**F36** S. 33B inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. 98, 178(3); S.I. 2012/1187, art. 2(1)(k)

### [<sup>F37</sup> 33C Principal council's explanation of its response to a community poll

- (1) As soon as is reasonably practicable following the end of the relevant period for the purposes of section 33B of this Act, a principal council must take all reasonable steps to give the chairman of, or person who presided at, the community meeting referred to in subsection (1) of that section a notice in writing which—
- (a) describes what action the council has taken in response to the community poll to which the notice relates, and
  - (b) describes what further action (if any) the council intends to take.
- (2) If notice cannot be given to the chairman of, or person who presided at, the community meeting—
- (a) in the case of a community meeting convened under paragraph 30 of Schedule 12 to this Act, the notice must instead be given to the chairman of the community council for the community;
  - (b) in the case of a community meeting convened under paragraph 30A of Schedule 12 to this Act, the principal council must instead take all reasonable steps to give notice to each of the individuals who convened the community meeting.
- (3) Subject to subsection (5), notice under subsection (2)(b) is to be given by sending the notice to the address given in respect of an individual in the relevant convening notice.
- (4) In subsection (3), “relevant convening notice” means the notice given to the council under paragraph 30B of Schedule 12 to this Act which preceded the holding of the community meeting at which the poll in question was demanded.
- (5) Where an individual is an anonymous registrant in the register of local government electors (within the meaning of paragraph 29A of Schedule 12 to this Act), the duty under subsection (3) does not apply and notice shall instead be given, and related functions performed, in accordance with sub-paragraphs (4) to (8) of paragraph 29A of Schedule 12 to this Act.
- (6) The council must publish the notice on its website for a period of at least six months, beginning with the day on which the notice was given.]



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#### Textual Amendments

**F37** S. 33C inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. 99, 178(3); [S.I. 2012/1187](#), art. 2(1)(k)

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

- (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.
- <sup>F38</sup>(5) .....
- (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.
- (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.

#### Textual Amendments

**F38** S. 34(5) repealed (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), s. 75(2)(d), [Sch. 2](#)

### 35 Community councillors.

- (1) Community councillors shall be elected by the local government electors for the community in accordance with this Act and Part I of the [<sup>F39</sup>Representation of the People Act 1983].
- <sup>F40</sup>(2) There shall be ordinary elections of community councillors in [<sup>F41</sup>2017] 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—

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- (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**

- F39** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 8 para. 12**
- F40** 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**
- F41** Word in s. 35 substituted (W.) (9.12.2014) by [The Local Authority Elections \(Wales\) Order 2014 \(S.I. 2014/3033\)](#), arts. 1(1), **2(2)**

<sup>F42</sup>**36** .....

**Textual Amendments**

- F42** S. 36 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. IV**

**Status:**

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