

SCHEDULES

SCHEDULE 15

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE 1972 ACT

- 1 The 1972 Act is amended as follows.
- 2 For section 22(4) (which makes provision with respect to the chairmen of principal councils), substitute—
- “(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.”
- 3 After section 25, insert—

“25A Title of chairman or vice-chairman of county borough council

- (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”.
- 4 In section 30 (restriction on community applications during certain periods)—
- (a) in subsection (1), omit paragraph (a) (including “or” at the end) and in paragraph (b), for “the county or district” substitute “any area”;
- (b) omit subsection (2);
- (c) in subsection (3), for “district” substitute “principal”;
- (d) in subsection (4), for “subsections (1) and (2)” substitute “subsection (1)”, for “district” substitute “area”; and
- (e) in subsection (5), for “or 29” substitute “, 29 or 29A”.
- 5 In section 31 (provisions supplementary to sections 27 to 29)—
- (a) in subsection (1), for “27, 28 or 29” substitute “28, 29 or 29A”; and
- (b) for “district” substitute (in both places) “principal”.
- 6 For section 37 (establishment of new authorities in Wales), substitute—

“37 Establishment of principal councils in Wales

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

- 7 (1) In section 54(1) (proposals for changes in local government areas in Wales), for “district” substitute “principal” and for paragraphs (b) and (c) substitute—
- “(b) the constitution of a new local government area by—
- (i) amalgamating two or more principal areas or two or more communities;

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- (ii) aggregating parts of principal areas or parts of communities;
or
 - (iii) separating part of a principal area or part of a community;
 - (c) the abolition of a principal area and its distribution among other principal areas;
 - (cc) the abolition of a community and its distribution among other areas of the like description;”.
- (2) Before section 54(2) insert—
- “(1B) Where the Welsh Commission make proposals for the constitution of a new principal area, those proposals shall specify whether the new area should be a county or a county borough.”
- 8 (1) In section 55(1) (review of local government areas in Wales), for “counties and districts” substitute “principal areas” and for “county or district” substitute “principal area”.
- (2) In section 55(2)—
- (a) for the words from “Upon the completion” to “whole of their district” substitute “It shall be the duty of each Welsh principal council to keep the whole of their area”;
 - (b) for “in their district” substitute “in their area”; and
 - (c) for “the district council” substitute (in both places) “the principal council”.
- (3) In section 55(3)—
- (a) for “any district” substitute “any principal area”;
 - (b) for “that district or” substitute “that principal area or”;
 - (c) for “the district council” substitute “the principal council”; and
 - (d) for “that district for” substitute “that principal area for”.
- (4) In section 55(4)—
- (a) for “one district” substitute “one principal area”; and
 - (b) for “districts” substitute (in both places) “principal areas”.
- (5) In section 55(5), for “district council” substitute “principal council”, in paragraph (a) omit “(other than a community which is co-extensive with a district)” and after paragraph (e) insert—
- “(f) the alteration of the boundaries of any preserved county;”.
- 9 (1) In section 56(2) (power of Secretary of State to direct holding of reviews)—
- (a) for “the council of a district” substitute “a principal council”; and
 - (b) for “their district” substitute (in both places) “their area”.
- (2) In section 56(3)—
- (a) for “any district” substitute “any principal area”;
 - (b) for “that district” substitute (in both places) “that principal area”; and
 - (c) for “the district council” substitute “the principal council”.
- (3) In section 56(4), for “district” substitute (in both places) “principal”.
- (4) In section 56(5)—
- (a) for “district” substitute “principal”; and

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- (b) for “local government areas” substitute “any areas”.
- 10 (1) In section 57(2) (substantive changes in electoral arrangements)—
- (a) for “counties” substitute “principal areas”; and
 - (b) for “Schedule 10 below” substitute “section 64 of this Act (as substituted by the Local Government (Wales) Act 1994)”.
- (2) In section 57(4)—
- (a) for “the council of each district” substitute “each principal council”;
 - (b) for “their district” substitute “their area”; and
 - (c) for “district council” substitute (in both places) “principal council”.
- (3) In section 57(5) to (7), for “district” substitute (in each place) “principal”.
- 11 (1) In section 58(1) (Commission’s reports and their implementation), for “district” substitute “principal”.
- (2) In section 58, for subsection (4) substitute—
- “(4) Any statutory instrument containing an order under this section which—
- (a) alters the area of a principal council,
 - (b) alters the area of a preserved county, or
 - (c) abolishes a principal area,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- 12 In section 59 (directions about reviews)—
- (a) in subsection (1), for “the council of a district” substitute “a principal council”; and
 - (b) in subsection (2), omit “all or any class of”.
- 13 (1) Section 60 (procedure for reviews) is amended as follows.
- (2) For “district” substitute (in each place) “Welsh principal”.
- (3) In subsection (4)(b), for “any principal council” substitute “the principal council and of any other principal council in Wales”.
- (4) In subsection (5) omit “or a district council”.
- (5) After subsection (5) insert—
- “(5A) Where a Welsh principal council make a report, proposals or recommendations under this Part of this Act they shall—
- (a) make copies of the report, proposals or recommendations available for inspection at their offices for the period mentioned in subsection (5)(b) above;
 - (b) take the steps mentioned in subsection (5)(a); and
 - (c) comply with the requirements of subsection (5)(b) above in relation to any other principal council in Wales whose area may be affected by the report, proposals or recommendations.”
- (6) In subsection (6), for “(5)” substitute “(5A)”.
- 14 In section 61 (local inquiries), for “district” substitute (in both places) “Welsh principal”.

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- 15 In section 67 (consequential and transitional provisions relating to Part IV), omit subsection (5)(f).
- 16 In section 69 (variation and revocation of orders made under Part IV)—
- (a) in subsections (2) and (3) for “district” substitute “Welsh principal”;
 - (b) in subsection (4), for first “district” substitute “Welsh principal” and omit second “district”; and
 - (c) in subsection (6), for “a county council” substitute “any predecessor of a Welsh principal council”, for “new district” substitute “Welsh principal area” and for “the district” substitute “that area”.
- 17 (1) In section 71(1) (modification of seaward boundaries), for “county” substitute (in each place) “area”.
- (2) At the end of section 71 add—
- “(6) In subsection (1) above, “area” (except in “area of the sea”) means any local government area in Wales and any preserved county.
- (7) No order may be made under this section extending any area into England.”
- 18 In section 72(2) (accretions from the sea), omit “or community” (in both places) and after subsection (2) insert—
- “(2A) Every accretion from the sea or part of the sea-shore which is annexed to and incorporated with a community under this section shall be annexed to and incorporated with the principal area and the preserved county in which that community is situated.”
- 19 At the end of section 73 (alteration of local boundaries consequent on alteration of water-course) add—
- “(4) For the purposes of this section a preserved county is an area of local government.”
- 20 (1) In section 74 (change of name of local authority area), in subsection (1), after “county” insert (in both places) “, county borough”.
- (2) In section 74, after subsection (2) insert—
- “(2A) Where a Welsh principal area which has, by charter or other grant or incorporation order, been granted the status of a county borough, city or royal borough subsequently changes the name of the council in pursuance of this section, the charter or other grant or incorporation order shall have effect as if the new name were substituted for the old.”
- (3) In section 74(3) and (4), omit “or by virtue of a resolution under section 21(5) above”.
- (4) In section 74(4), after “county” insert “, county borough”.
- (5) At the end of section 74 add—
- “(6) The name of a Welsh principal area shall not be changed under this section before 1st October 1996 except with the consent of the Secretary of State.
- (7) If the name of a Welsh principal area is changed under this section, and there are generally accepted alternative English and Welsh forms of that name, or alternative English and Welsh names, both forms of the new name or (as the case may be) both names shall be published.”

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- 21 (1) In section 76 (change of name of community)—
- (a) in subsection (1), for “district” substitute “principal area”;
 - (b) in subsections (2) and (3), omit “or by virtue of a resolution under section 33(2B) above”; and
 - (c) in subsection (2), for “district” substitute (in both places) “principal”.
- (2) At the end of section 76 add—
- “(4) If the name of any community is changed under this section, and there are generally accepted alternative English and Welsh forms of that name, or alternative English and Welsh names, both forms of the new name or (as the case may be) both names shall be published.”
- 22 In section 78(2) (electoral arrangements), after “every” insert “Welsh principal council and”.
- 23 In section 83(1) (declaration of acceptance of office) after “county” insert “, county borough”.
- 24 In section 91(1) (temporary appointment of members of community councils), after “district council” insert “or Welsh principal council”.
- 25 In section 97 (removal or exclusion of disability, etc.)—
- (a) in subsection (1), for first “or” substitute “council, the principal council, as respects a member of a” and omit “district” in the second and third places; and
 - (b) in subsections (2) and (3), omit “district”.
- 26 (1) Section 101 (arrangements for discharge of functions) is amended as follows.
- (2) After subsection (7) insert—
- “(7A) Subsection (7) above does not apply to arrangements as between principal councils in Wales.”
- (3) After subsection (10) insert—
- “(10A) In determining what arrangements to make for the discharge of any functions, a principal council in Wales may act as if paragraph (f) were omitted from subsection (9) above.”
- 27 In section 103 (expenses of joint committees), in paragraph (a), for “or communities or groups of parishes or communities” substitute “or groups of parishes” and after “council” insert—
- “(aa) in any case in which those authorities are the councils of communities or groups of communities situated in the same principal area, by the council of that area;”.
- 28 In section 125 (compulsory acquisition of land on behalf of community council) at the end add—
- “(8) In relation to Wales—
- (a) references in this section to a district council are to be read as references to a principal council; and
 - (b) references to a district are to be read as references to a principal area.”

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- 29 In section 134(2) (use of schoolrooms etc. in community), in paragraph (c), for “county council or district council” substitute “principal council”.
- 30 In section 137 (power of local authorities to incur expenditure for certain purposes not otherwise authorised), after subsection (4B) insert—
 “(4C) In relation to Wales, subsection (4AA) above shall have effect with the following substituted for paragraphs (a) and (b)—
 “(a) the sum appropriate to a principal council is £3.80;”.”
- 31 In section 140B (insurance of voluntary assistants of probation committees), at the end add—
 “(3) In relation to Wales—
 (a) subsections (1) and (2)(a) above shall have effect as if they referred to a principal council; and
 (b) subsection (2)(a) above shall have effect as if it referred to the area of the principal council.”
- 32 In section 141 (research and collection of information), at the end add—
 “(3) This section shall have effect in relation to Wales—
 (a) as if any reference to a council were a reference to a principal council; and
 (b) as if any reference to a county were a reference to a principal area.”
- 33 In section 146 (transfer of securities on alteration of area etc.), after subsection (1) insert—
 “(1A) In relation to Wales, subsection (1)(b) above shall have effect as if the reference to a county council were a reference to a principal council.”
- 34 In section 150(3) (expenses of community meetings where there is no community council), for “district” substitute “principal area”.
- 35 In section 180(1) (local authorities and sanitary authorities for certain enactments relating to public health), after paragraph (d) insert—
 “(e) for a Welsh county or county borough, be the county council or county borough council;”.
- 36 In section 181 (water and sewerage)—
 (a) in subsection (1), add at the end “and for any principal area in Wales, be the principal council”; and
 (b) in subsection (2), at the end add “except that for any area in Wales it shall be the principal council”.
- 37 In section 187(3) (notices deterring public use of footpaths) after “district council” insert “or, where they are not the highway authority, a Welsh principal council”.
- 38 In section 189(3) (town and village greens etc.)—
 (a) in paragraph (c), after “district” insert “or Welsh principal area”; and
 (b) in the words following that paragraph, after “district” insert “or (as the case may be) area”.
- 39 In section 191 (ordnance survey)—
 (a) in subsection (2), after “district council” insert “(or, in Wales, a principal council)”;

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- (b) in subsection (4)(a), after “require” insert “(or, in Wales, the principal council)”;
 - (c) in subsection (4)(b), after “require” insert “(or, in Wales, the principal council)”;
 - (d) in subsection (5), after “any” insert “preserved county or”.
- 40 In section 195 (social services)—
- (a) in subsection (2) after first “county” insert “in England”; and
 - (b) in subsection (3) omit “as amended by subsection (1) above”.
- 41 (1) Section 204 (licensing) is amended as follows.
- (2) In subsection (1)—
- (a) for “districts” substitute “principal areas”;
 - (b) for “district” substitute, in both places, “area”;
 - (c) for “areas in which” substitute “localities in which”; and
 - (d) for “April 1, 1974” substitute “1st April 1996”.
- (3) In subsection (2), after “shall” insert “(except in relation to Wales)”.
- (4) In subsection (3), after “council” insert “or, in Wales, of the principal council”.
- 42 Omit section 207 (public libraries and museums in Wales).
- 43 In section 213(1) (local licence duties), omit “and Wales” and at the end add “and, in Wales, be vested in the principal councils”.
- 44 In section 214(1) (cemeteries and crematoria) after “councils of” insert “Welsh counties, county boroughs”.
- 45 (1) Section 215 (maintenance of closed churchyard) is amended as follows.
- (2) In subsection (2)(c) for “district” substitute “county or county borough”.
- (3) In subsection (3)—
- (a) for first “district” substitute “district, Welsh county or (as the case may be) county borough”; and
 - (b) for “council of the district” substitute “local authority to whom the notice is given”.
- 46 In section 225 (deposit of documents with proper officer of authority), in subsection (2) for “district council” substitute “principal council”.
- 47 (1) Section 226 (custody of community documents) is amended as follows.
- (2) In subsections (1) and (3)(c), for “district council” substitute “principal council”.
- (3) In subsection (4), after “if the area is in” insert “Wales or in”.
- (4) In subsection (5), omit “or community council” (in both places).
- (5) At the end add—
- “(6) Subsection (5) above shall also apply in relation to community councils but as if the functions conferred by it were functions of the principal council.”
- 48 In section 227 (provision of depositories for community documents), in both subsections (1) and (2), omit third “or community” and after “is situated” insert “or the council of the principal area in which the community is situated”.

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- 49 In section 235 (power of councils to make byelaws for good rule and government and suppression of nuisances), in subsection (1) after first “district” insert “the council of a principal area in Wales” and after second “district” insert “principal area”.
- 50 In section 236 (procedure etc. for byelaws), in subsection (9), after “district council” insert “or in Wales of a principal council” and after subsection (10) insert—
 “(10A) Subsection (10) above does not apply to a principal council in Wales.”
- 51 In section 245 (status of communities)—
 (a) in subsections (6) to (9) omit “or community” (in each place);
 (b) in subsection (6) omit “or a community meeting”; and
 (c) in subsection (9) omit “or a community meeting in Wales”.
- 52 (1) Section 246 (powers, privileges and rights in relation to former cities and boroughs) is amended as follows.
 (2) After subsection (2) insert—
 “(2A) Any powers to appoint local officers of dignity exercisable immediately before 1st April 1996 in relation to any area by the council of a district in Wales by virtue of a charter granted under section 245 above shall, on and after that date, be exercisable in relation to that area by the council of the principal area in which, on that date, that area becomes comprised.
 (2B) Where on 1st April 1996 that area becomes comprised partly in each of two or more principal areas, those powers shall be exercised on and after that date by such of the councils of those principal areas as may be agreed between them, or, in default of agreement, as the Secretary of State may designate.”
 (3) In subsection (6), after first “subject to” insert “subsection (2A) above,”.
- 53 In section 247 (transfer of armorial bearings from old to new authorities), at the end add—
 “(3) Subsections (1) and (2) above also apply in relation to new principal councils in Wales and authorities which ceased to exist as a result of the Local Government (Wales) Act 1994 but as if the reference to April 1, 1974 were a reference to 1st April 1996.”
- 54 In section 248 (freemen and inhabitants of pre-1974 boroughs), at the end add—
 “(6) This section shall have effect in relation to Wales as if—
 (a) in subsections (2) and (3) the references to the relevant district council were references to the relevant principal council; and
 (b) in subsection (2) the reference to the council of the district were a reference to the council of the principal area.”
- 55 In section 249 (honorary aldermen and freemen), after subsection (6) insert—
 “(7) A principal council in Wales may, by such a resolution as is required by subsection (5) above, admit to be honorary freemen of the county or county borough persons of distinction and persons who have, in the opinion of the council, rendered eminent services to the county or county borough.

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- (8) The admission of a person to be an honorary freeman under subsection (7) above shall not confer on him any such rights as are referred to in section 248(4) above.
- (9) A principal council in Wales shall, in relation to any person on whom they have conferred the title of honorary alderman or whom they have admitted to be an honorary freeman, have the same powers as are conferred by subsection (6) above.”
- 56 In section 255(1) (transfer of officers), for “27, 28 or 29” substitute “28, 29 or 29A”.
- 57 In section 270(1) (interpretation), in the definition of “new”, after “Act” add “including one established by virtue of any provision of the Local Government (Wales) Act 1994”.
- 58 In Schedule 4 (local government areas in Wales), omit Part IV.
- 59 In Schedule 8 (constitution and proceedings of the Welsh Commission), in paragraph 8—
- (a) at the end of paragraph (b) add “, and”; and
 - (b) omit paragraph (d) and the word “and” immediately before it.
- 60 Omit Schedule 10 (initial reviews in Wales).
- 61 In Schedule 11 (rules to be observed in considering electoral arrangements), in paragraph 3(2)(b) and (c), omit the words “or community” (in each place).
- 62 In paragraph 35 (1) of Schedule 12 (minutes of proceedings of community meeting), for “district” substitute “principal area”.
- 63 In paragraph 28 of Schedule 14 (consent of highway authority required in connection with functions relating to clocks, drinking fountains etc.) after “district council” insert “or, where they are not the highway authority, the council of a Welsh principal area”.
- 64 In paragraph 55 of Schedule 16 (applications for certificates of appropriate alternative development)—
- (a) in sub-paragraph (1), for “Elsewhere” substitute “In England, elsewhere”; and
 - (b) in sub-paragraph (2), after “National Park” insert “in England but”.
- 65 (1) Schedule 26 (cemeteries and crematoria) is amended as follows.
- (2) In paragraph 4, in paragraph (a) omit “or communities” in both places, and after paragraph (a) insert—
 - “(aa) where those authorities are the councils of communities or groups of communities situated in the same principal area, by the council of that principal area;”.
 - (3) In paragraph 7, after “district council” insert “or Welsh principal council” and after second “district” insert “or Welsh principal area”.
 - (4) In paragraph 8, after “district council” insert “or Welsh principal council” and after second “district” insert “or (as the case may be) principal area”.
 - (5) In paragraph 11, in sub-paragraph (1) omit “or community” and after that sub-paragraph insert—

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“(1A) Subject to the provisions of any order made under section 214(3) above, a Welsh principal council may make byelaws with respect to the management of any cemetery provided by them and a community council may adopt for any cemetery provided by them any byelaws made under this paragraph by the principal council and duly confirmed.”

66 In paragraph 20 of Schedule 29 (certificates under Schedule 3 to the Gas Act 1965), after sub-paragraph (2) insert—

“(3) Sub-paragraph (2) above does not apply in relation to Wales.”