
WELSH STATUTORY INSTRUMENTS

2021 No. 356

**The Local Government and Elections (Wales)
Act 2021 (Consequential Amendments and
Miscellaneous Provisions) Regulations 2021**

PART 2

Amendments to primary legislation

Public Audit (Wales) Act 2004

- 2.—(1) The Public Audit (Wales) Act 2004(1) is amended as follows.
- (2) In section 24(2) (consideration of reports in public interest)—
- (a) in subsection (5)(b)—
- (i) in the words before sub-paragraph (i), for “section 100B(2)”(3) substitute “section 100BA(2)”(4);
- (ii) in sub-paragraph (i), for “open to inspection under section 100B1”(5) substitute “published under section 100BA(1)”;
- (iii) in sub-paragraph (ii) for “section 100B(7)” substitute “section 100BA(9)”;
- (b) in subsection (7), for “section 100C(1)(d)”(6) substitute “section 100C(1B)(d)”(7).
- (3) In section 26(8) (publicity for meetings under section 25)—
- (a) in subsection (3)—
- (i) in paragraph (a) insert at the end “(but where the meeting is to be held by a body mentioned in subsection (3A) through remote means only, there is no need for the notice to state the place of the meeting)”;
- (ii) after paragraph (a) insert—

(1) 2004 c. 23.

(2) There are amendments to section 24 which are not relevant to these Regulations. Section 24 was temporarily modified, in relation to meetings of authorities held between 22 April 2020 and the end of 30 April 2021, by paragraph 3(a) of the Schedule to the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442 (W. 100)). That Schedule was inserted into S.I. 2020/442 (W. 100) by S.I. 2020/653 (W. 150).

(3) Part 5A of the Local Government Act 1972 (c. 70) (“the 1972 Act”) was inserted by the Local Government (Access to Information) Act 1985 (c. 43), section 1. Section 100B of the 1972 Act was temporarily modified, in relation to meetings of authorities held between 22 April 2020 and the end of 30 April 2021, by S.I. 2020/442 (W. 100), paragraph 21(3).

(4) Section 100BA was inserted into Part 5A of the 1972 Act by the 2021 Act, Schedule 4, paragraph 6(2).

(5) Section 100B(1) was amended by the 2021 Act, Schedule 4, paragraph 6(2).

(6) Section 100C was temporarily modified, in relation to meetings of authorities held between 22 April 2020 and the end of 30 April 2021, by S.I. 2020/442 (W. 100), regulation 21(4). Section 100C(1) was amended by the 2021 Act, Schedule 4, paragraph 8(2).

(7) Section 100C(1B)(d) was inserted into the 1972 Act by the 2021 Act, Schedule 4, paragraph 8(3).

(8) Section 26 was temporarily modified, in relation to meetings of authorities held between 22 April 2020 and the end of 30 April 2021, by paragraph 3(b) of the Schedule to S.I. 2020/442 (W. 100).

- “(aa) in the case of a meeting held through remote means by a body mentioned in subsection (3A), also gives details of how to access the meeting.”;
- (b) after subsection (3) insert—
- “(3A) The bodies referred to in subsection (3)(a) and (aa) are—
- (a) a local authority in Wales;
 - (b) a committee of a local authority in Wales (including a joint committee of two or more local authorities in Wales);
 - (c) a National Park authority for a National Park in Wales;
 - (d) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21)(9) or a scheme to which section 4 of that Act applies.
- (3B) In subsection (3)(a) and (aa) the references to a meeting of a body held through remote means are to a meeting held by means of equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).”
- (c) in subsection (6)—
- (i) after “availability for inspection” insert “and publication”;
 - (ii) after “are” insert “published electronically or”.

The Local Democracy, Economic Development and Construction Act 2009

3. In the Local Democracy, Economic Development and Construction Act 2009(10), in section 49 (consideration of report by local authority)—

- (a) in subsection (8)(b)—
 - (i) in the words before sub-paragraph (i) for “section 100B(2)” substitute “section 100BA(2)”;
 - (ii) in sub-paragraph (i) for “open to inspection under section 100B(1)” substitute “published under section 100BA(1)”;
 - (iii) in sub-paragraph (ii) for “section 100B(7)” substitute “section 100BA(9)”;
- (b) in subsection (9), for “section 100C(1)(d)” substitute “section 100C(1B)(d)”.

The Local Government (Democracy) (Wales) Act 2013

4. In the Local Government (Democracy) (Wales) Act 2013(11), omit section 56 (requirement to give public notices electronically)(12).

The Local Government and Elections (Wales) Act 2021

5.—(1) Section 49 (notices etc. of local authority meetings) of the Local Government and Elections (Wales) Act 2021 is amended as follows.

- (2) The existing text becomes subsection (1).

(9) 2004 c. 21.

(10) 2009 c. 20. Section 49 has not been commenced.

(11) 2013 anaw 4.

(12) Section 56 inserted a new subsection (1ZA) relating to notices given by community councils in section 232 of the 1972 Act, which is omitted by the 2021 Act, Schedule 4, paragraph 17(3).

(3) After that subsection insert—

“(2) Any notice or other document relating to a local authority meeting which is required under any enactment to be published electronically is, for the purposes of paragraph 5 of Schedule 1 to the Defamation Act 1996 (c. 31), to be treated as a document required by law to be open to public inspection.

(3) In subsection (2) “local authority meeting” has the same meaning as in section 50(5).”