



# Local Government Act 1972

## 1972 CHAPTER 70

### PART IV

#### CHANGES IN LOCAL GOVERNMENT AREAS

##### *Proposals by Local Government Boundary Commission for Wales*

#### **53 Local Government Boundary Commission for Wales.**

- (1) There shall be a Local Government Boundary Commission for Wales (in this Act referred to as “the Welsh Commission”) who shall carry out the functions conferred on them by or under this Act.
- (2) The provisions of Schedule 8 to this Act shall have effect with respect to the Welsh Commission.

#### **54 Proposals for changes in local government areas in Wales.**

- (1) Subject to subsection (2) below, the Welsh Commission may in consequence of a review conducted by them or a [<sup>F1</sup> principal] council under this Part of this Act make proposals to the Secretary of State for effecting changes appearing to the Commission desirable in the interests of effective and convenient local government by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):—
  - (a) the alteration of a local government area;
  - [<sup>F2</sup>(b) the constitution of a new local government area by—
    - (i) amalgamating two or more principal areas or two or more communities;
    - (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;

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- (cc) the abolition of a community and its distribution among other areas of the like description;]
- (d) the constitution of a new community by—
  - (i) the establishment of any area which is not a community or part of one as a community;
  - (ii) the aggregation of the whole or any part of any such area with one or more communities or parts of communities;
- (e) a change of electoral arrangements for any local government area which is either consequential on any change in local government areas proposed under the foregoing paragraphs or is [<sup>F3</sup>a change (hereafter in this Part referred to as a substantive change) which is independent of any change in local government areas so proposed]] [<sup>F4</sup>(f) a change in police areas (including a change resulting in a reduction or increase in the number of police areas) in connection with a change in local government areas]

[<sup>F5</sup>(1A) The Welsh Commission may, in consequence of a review conducted by them under this Part of this Act make proposals to the Secretary of State for effecting changes in the area of a preserved county which appear to the Commission to be desirable having regard, in particular, to the purposes for which the preserved counties are retained.]

[<sup>F6</sup>(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.]

- (2) The Welsh Commission shall not make any proposals to the Secretary of State under this section for a substantive change of electoral arrangements for a community except in accordance with section 57(7) below.

#### Textual Amendments

- F1** Word in s. 54(1) substituted (24.10.1994) by 1994 c. 19, s. 66(5), **Sch. 15 para. 7(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**
- F2** S. 54(1)(b)(c)(cc) substituted (24.10.1994) for s. 54(1)(b)(c) by 1994 c. 19, s. 66(5), **Sch. 15 para. 7(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**
- F3** Words in s. 54(1)(e) substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), **Sch. 3 para. 12**; S.I. 1992/2371, **art. 2**
- F4** S. 54(1)(f) added (1.4.1995) by 1994 c. 29, s. 40(2); S.I. 1994/3262, art. 4(1), **Sch.**
- F5** S. 54(1A) inserted (24.10.1994) by 1994 c. 19, s. 1(3), **Sch. 2 para. 4** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**
- F6** S. 54(1B) inserted (24.10.1994) by 1994 c. 19, s. 66(5), **Sch. 15 para. 7(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**

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

- C1** S. 54: power to transfer or modify functions conferred (30.11.2000 for specified purposes otherwise *prosp.*) by 2000 c. 41, **ss. 20(3)(b)**, 163(2)(3)(d) (with s. 156(6))

## 55 Review of local government areas in Wales.

- (1) It shall be the duty of the Welsh Commission to keep under review all counties and districts in Wales for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, unless to do so would in their opinion impede the

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proper discharge of their functions, consider any request made to them by any local authority appearing to the Commission to be interested in any such county or district that the Commission should make such proposals, and in either case the Commission shall, if they think fit, formulate such proposals accordingly.

- (2) Upon the completion, in relation to their district, of the special community review under Schedule 10 below it shall be the duty of the council for each district in Wales to keep the whole of their district under review for the purpose of considering whether or not to make recommendations to the Welsh Commission for such proposals with respect to the constitution of new communities, the abolition of communities or the alteration of communities in their district as are authorised by section 54 above and what recommendations, if any, to make and the council shall, unless to do so would in their opinion impede the proper discharge of their functions under this Part of this Act, consider any request made with respect to any of those matters by any community council or community meeting appearing to the district council to be interested, and the district council shall from time to time report to the Commission accordingly.
- (3) The Welsh Commission shall consider any report made under subsection (2) above with respect to any district in Wales and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 54 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.
- (4) In any case where the Secretary of State has made an order under section 1 of the <sup>M1</sup>New Towns Act 1965 designating any land as, or as an extension of, a new town and the area of the new town as so designated or so extended is not wholly comprised within one district, he shall, as soon as practicable after the order has become operative, send to the Welsh Commission a notice stating that the order is in operation and specifying the districts within which that area is situated, and on receipt of such a notice it shall be the duty of the Commission to review the areas of those districts for the purpose of considering whether or not to make such proposals in relation to them as are authorised by section 54 above and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (5) If in conducting a review under this section the Commission or a [<sup>F7</sup>principal council] intend to make, or recommend the making of, proposals for a change in local government areas they shall also consider whether or not in consequence of that change to make or recommend the making of proposals for any of the following:—
  - (a) the constitution of a council for a community <sup>F8</sup>. . . or a group of such communities;
  - (b) the dissolution of a community council, whether separate or common;
  - (c) the separation of a community from a group of communities having a common community council;
  - (d) the addition of a community to a group of communities having a common community council;
  - (e) the making of provision for electoral arrangements for any community or group of communities which is consequential on any change proposed under the foregoing paragraphs;

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[<sup>F9</sup>(f) the alteration of the boundaries of any preserved county;]  
and subsections (1) to (3) above shall apply in relation to proposals for any of those matters and recommendations for such proposals as they apply in relation to proposals authorised by section 54 above and recommendations for such proposals.

#### Textual Amendments

- F7** Words in s. 55(5) substituted (24.10.1994) by 1994 c. 19, s. 66(5), **Sch. 15 para. 8(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**
- F8** Words in s. 55(5)(a) repealed (24.10.1994) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 8(5), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**
- F9** S. 55(5)(f) inserted (24.10.1994) by 1994 c. 19, s. 66(5), **Sch. 15 para. 8(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**

#### Marginal Citations

- M1** 1965 c. 59.

## 56 Power of Secretary of State to direct holding of reviews.

- [<sup>F10</sup>(1) The Secretary of State may direct the Welsh Commission to conduct a review of—
- (a) Wales as a whole,
  - (b) any one or more local government areas or parts of such areas in Wales, or
  - (c) any one or more preserved counties or parts of such counties,
- for the purpose of considering whether or not to make such proposals in relation to the area reviewed as are authorised by section 54 above and what proposals, if any, to make; and the Commission shall, if they think fit, formulate such proposals accordingly.]
- (2) The Secretary of State may, at the request of the Welsh Commission or otherwise, direct the council of a district in Wales to conduct a review of the whole or any part of their district for the purpose of considering whether or not to make recommendations to the Commission for such proposals with respect to the constitution of new communities, the abolition of communities or the alteration of communities in their district as are authorised by section 54 above and what recommendations, if any, to make, and to report to the Commission accordingly within a period specified in the direction.
  - (3) The Welsh Commission shall consider any report made under subsection (2) above with reference to any district in Wales and, if they think fit, make the proposals recommended, either as submitted to them or with modifications, but if the Commission are of the opinion that the proposals recommended are not, as submitted or with modifications, apt for securing effective and convenient local government in that district or the district council have reported that they will not recommend the Commission to make proposals, the Commission may themselves review the whole or part of that district for the purpose of considering whether or not to make such proposals in relation to it as are authorised by section 54 above and what proposals, if any, to make and may, if they think fit, formulate such proposals accordingly.
  - (4) If a district council fail within the period specified in a direction under subsection (2) above to submit a report to the Welsh Commission, the Secretary of State may direct the Welsh Commission to conduct the review which the district council were directed to conduct for the purpose of considering whether or not to make any such proposals

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as aforesaid and what, if any, proposals to make, and the Commission shall, if they think fit, formulate such proposals accordingly.

- (5) If in conducting a review under this section the Commission or a district council intend to make, or recommend the making of, proposals for a change in [<sup>F11</sup>any areas], they shall also consider whether or not in consequence of that change to make or recommend the making of proposals for any such matters as are mentioned in section 55(5) above, and subsections (1) to (3) of that section shall apply in relation to such proposals and recommendations as they apply in relation to proposals authorised by section 54 above and recommendations for such proposals.

#### Textual Amendments

- F10** S. 56(1) substituted (24.10.1994) by 1994 c. 19, s. 1(3), **Sch. 2**, para. 5 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**
- F11** Words in s. 56(5) substituted (24.10.1994) by 1994 c. 19, s. 66(5), **Sch. 15 para. 9(4)(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**

## 57 Substantive changes in electoral arrangements.

- (1) No review shall be conducted under section 55 or 56 above for the purpose of making proposals for a substantive change of electoral arrangements, but the following provisions of this section shall have effect with respect to the making of such proposals.
- (2) It shall be the duty of the Welsh Commission not less than ten or more than fifteen years after the completion of the initial review of the electoral arrangements for counties under Schedule 10 below and thereafter, so far as is reasonably practicable, at intervals of not less than ten or more than fifteen years from the submission of the last report of the Commission on the previous review under this subsection in relation to the area in question, to review the electoral arrangements for every principal area in Wales for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (3) Without prejudice to subsection (2) above, the Welsh Commission may at any time, whether at the request of a local authority or otherwise, review the electoral arrangements for a principal area in Wales for the purpose of considering whether or not to make proposals to the Secretary of State for a substantive change in those electoral arrangements and what proposals, if any, to make, and the Commission shall, if they think fit, formulate such proposals accordingly.
- (4) It shall be the duty of the council of each district in Wales to keep under review the electoral arrangements for the communities in their district for the purpose of considering whether or not to make substantive changes in those arrangements and what changes, if any, to make and the council shall consider any requests made with respect to those arrangements by the council for, or not less than thirty local government electors of, any community appearing to the district council to be likely to be affected by those changes, and the district council may, if they think fit, make an order giving effect to those changes.

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- (5) The Welsh Commission may, on a request made by the council for, or not less than thirty local government electors of, any community, review the electoral arrangements for the community for the purpose of considering whether or not to make proposals to the district council for an order under subsection (6) below changing those arrangements and what proposals, if any, to make, and may, if they think fit, formulate such proposals and send them to the district council accordingly.
- (6) Where a district council have received proposals from the Welsh Commission under subsection (5) above for an order under this subsection they may, if they think fit, make the order proposed or may suggest modifications to the proposals and, where the Commission agree to the modifications suggested, may make the order with those modifications.
- (7) If after receiving any such proposals a district council inform the Welsh Commission that in their opinion the order proposed should not be made (whether with or without modifications) or if, within six months of receiving any such proposals the district council have not made the order proposed (whether with or without modifications), the Commission may report that fact to the Secretary of State and make to him the proposals which they made to the district council.

## 58 Commission's reports and their implementation.

- (1) Where the Welsh Commission have—
  - (a) in accordance with section 55 or 56 above been conducting a review of any area or considering any recommendations made by a district council; or
  - (b) in accordance with section 57 above been conducting a review of electoral arrangements on which they have a power or duty to formulate proposals to, or submit a report to, the Secretary of State;

and in either case are of the opinion that they are in a position to submit to the Secretary of State a report on the review or any part of it or any of the recommendations, they shall submit a report to him on the review or that part or those recommendations, together with the proposals they have formulated thereon, or, as the case may be, a notification that they have no proposals to put forward thereon.

- (2) The Secretary of State may if he thinks fit by order give effect to any proposals made to him by the Welsh Commission, either as submitted to him or with modifications:

Provided that an order giving effect to any such proposals shall not be made until after the expiry of six weeks from the day on which those proposals were submitted to him.

- (3) If in relation to any area the Secretary of State decides to make an order under this section giving effect with modifications to proposals made to him by the Commission, he may, if he thinks fit, direct the Commission to conduct a further review of that area or, as the case may be, of its electoral arrangements and to make revised proposals with respect to that area or those arrangements within a time specified in the direction.

[<sup>F12</sup>(3A) The Secretary of State shall exercise his power to make orders under this section in relation to police areas in such a way as to ensure that no county or county borough is divided between two or more police areas.]

[<sup>F13</sup>(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

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(c) abolishes a principal area,  
shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F12** S. 58(3A) inserted (1.4.1995) by 1994 c. 29, s. 40(3); S.I. 1994/3262, art. 4(1), **Sch.**

**F13** S. 58(4) substituted (24.10.1994) by 1994 c. 19, s. 66(5), **Sch. 15 para. 11(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**

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

**C2** S. 58(1) excluded by S.I. 1986/553, **art. 3(1)**

### 59 Directions about reviews.

- (1) The Secretary of State may give the Welsh Commission or the council of a district in Wales directions for their guidance in conducting reviews under section 55, 56 or 57 above and making proposals or recommendations or considering substantive changes in electoral arrangements in consequence thereof, and the directions may relate to all such reviews or to any particular review or class of review.
- (2) A direction shall not be given under subsection (1) above with respect to all reviews, reviews of any class or a single review of<sup>F14</sup> . . . the principal areas in Wales except after consultation with associations appearing to the Secretary of State to be representative of local authorities.
- (3) The Secretary of State may give directions to the Welsh Commission with respect to the order in which areas or electoral arrangements are to be reviewed by them under any provision of section 55 or 56 above.

#### Textual Amendments

**F14** Words in s. 59(2) repealed (24.10.1994) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 12(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1994/2790, art. 2(1), **Sch.**

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