

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 1. (See end of Document for details)

SCHEDULE 4

NOTICE OF LOCAL AUTHORITY MEETINGS, ACCESS TO DOCUMENTS AND ATTENDANCE AT MEETINGS

PART 1

NOTICE OF LOCAL AUTHORITY MEETINGS AND ACCESS TO DOCUMENTS

Notices of local authority meetings

- 1 In section 100A of the 1972 Act (admission to meetings of principal councils)—
- (a) in subsection (6)—
- (i) in paragraph (a), at the beginning insert “ in relation to a principal council in England, ”;
- (ii) after paragraph (a) insert—
- “(aa) in relation to a principal council in Wales, public notice of the meeting must be given—
- (i) in accordance with subsection (6A), and
- (ii) by publishing the notice electronically,
- at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;”;
- (b) after subsection (6) insert—
- “(6A) The notice given under subsection (6)(aa) must—
- (a) where the meeting or part of the meeting is open to the public and is held through remote means only, give details of the time of the meeting and how to access it;
- (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and how to access it;
- (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and the fact that it is not open to the public;
- (d) where the meeting is not open to the public and is held through remote means only, give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public.”

Commencement Information

- II** Sch. 4 para. 1 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#)

- 2 In section 100K of the 1972 Act (interpretation and application of Part 5A), in subsection (3) after “sections 100A(6)(a)” insert “ and (aa) ”.

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Commencement Information

I2 Sch. 4 para. 2 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#)

3 In paragraph 4 of Schedule 12 to the 1972 Act (notices of meetings of principal councils)—

- (a) in sub-paragraph (2), after “in Wales” insert “ or, if the meeting is convened at shorter notice, then at the time it is convened ”;
- (b) in sub-paragraph (2)(a)—
 - (i) for “of the time and place of the intended meeting shall be published at the council's offices” substitute “ of the intended meeting containing the information required by sub-paragraph (2A) must be published electronically ”, and
 - (ii) for “be signed by” substitute “ set out the names of ”;
- (c) after sub-paragraph (2) insert—

“(2A) The information required to be in a notice under sub-paragraph (2)

(a) consists of—

- (a) where the meeting or part of the meeting is open to the public and is held through remote means only, details of the time of the meeting and how to access it;
- (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and how to access it;
- (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and the fact that it is not open to the public;
- (d) where the meeting is not open to the public and is held through remote means only, details of the time of the meeting and the fact that it is being held through remote means only and is not open to the public.

(2B) In sub-paragraph (2A), references to a meeting held through remote means are to a meeting held by means of any 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).”

Commencement Information

I3 Sch. 4 para. 3 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#)

4 In paragraph 26 of Schedule 12 to the 1972 Act (notices of meetings of community councils)—

- (a) in sub-paragraph (2), after “community council” insert “ or, if the meeting is convened at shorter notice, then at the time it is convened ”;
- (b) in sub-paragraph (2)(a)—

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- (i) for “of the time and place of the intended meeting” substitute “ of the meeting containing the information required by sub-paragraph (2ZA) ”, and
 - (ii) for “be signed by” substitute “ set out the names of”;
- (c) after sub-paragraph (2) insert—
- “(2ZA) The information required to be in a notice under sub-paragraph (2) (a) consists of—
- (a) where the meeting or part of the meeting is open to the public and is held through remote means only, details of the time of the meeting and how to access it;
 - (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and how to access it;
 - (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and the fact that it is not open to the public;
 - (d) where the meeting is not open to the public and is held through remote means only, details of the time of the meeting and the fact that it is being held through remote means only and is not open to the public.
- (2ZB) In sub-paragraph (2ZA), references to a meeting held through remote means are to a meeting held by means of any 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).”

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Commencement Information

I4 Sch. 4 para. 4 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#)

- 5 In section 1 of the Public Bodies (Admission to Meetings) Act 1960 (c. 67) (admission of public to meetings)—
- (a) in subsection (4)(a), at the end insert “ (but see subsections (4ZA) to (4ZC) for further provision in relation to notices of meetings of certain bodies in Wales) ”;
 - (b) after subsection (4), insert—
- “(4ZA) Subsection (4ZB) applies to community councils and joint boards or joint committees which discharge functions of community councils or of community councils and of a principal council in Wales within the meaning of the Local Government Act 1972.
- (4ZB) In the case of a meeting of a body to which this subsection applies—
- (a) a copy of the notice mentioned in subsection (4)(a) must also be published electronically at least three clear days

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- before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
- (b) if the meeting is held partly through remote means, the notice under subsection (4)(a) must give details of how to access the meeting (as well as its time and place);
 - (c) if the meeting is held through remote means only, the notice under subsection (4)(a) must give details of how to access the meeting as well as its time, but not its place.

(4ZC) In subsection (4ZB)—

- (a) references to a meeting held through remote means are to a meeting held by means of any 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);
- (b) the requirement imposed on a body to publish a notice electronically is, where the body has its own website, a requirement to publish on that website.”

Commencement Information

I5 Sch. 4 para. 5 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

Copies and publication of documents relating to meetings of local authorities

- 6 (1) Section 100B of the 1972 Act (access to agenda and connected reports) is amended as follows.
- (2) In subsections (1), (4), (6) and (7)(a) after “principal council” insert “ in England ”.
 - (3) In the heading, after “reports” insert “ : principal councils in England ”.

Commencement Information

I6 Sch. 4 para. 6 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

- 7 After section 100B of the 1972 Act (access to agenda and connected reports), insert—

“100BA Access to agenda and connected reports: principal councils in Wales

- (1) Copies of the agenda for a meeting of a principal council in Wales and copies of any report for the meeting must be published—
 - (a) electronically, and
 - (b) in accordance with subsections (3) to (5).
- (2) If the proper officer thinks fit, there may be excluded from the copies of reports published under subsection (1) the whole of a report which, or any part which, relates only to items during which, in the officer's opinion, the meeting is likely not to be open to the public.

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- (3) A document required to be published under subsection (1) must be published at least three clear days before the meeting, or, if the meeting is convened at shorter notice, then at the time it is convened.
- (4) If an item is added to an agenda, copies of which have been published, copies of the item or revised agenda and copies of any report for the meeting relating to the item must be published at the time the item is added to the agenda.
- (5) Nothing in subsections (3) and (4) requires a document or copies of an agenda, item or report to be published until the document or copies are available to members of the council.
- (6) An item of business may not be considered at a meeting of a principal council in Wales unless either—
 - (a) a copy of the agenda including the item (or a copy of the item) is published electronically at least three clear days before the meeting, or, if the meeting is convened at shorter notice, at the time it is convened, or
 - (b) by reason of special circumstances, which must be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- (7) Where the whole or part of a report is excluded under subsection (2)—
 - (a) every copy of the report or of the part must be marked “Not for publication”, and
 - (b) there must be stated on every copy of the report or of the part a description, in terms of Schedule 12A, of the exempt information by virtue of which the council is likely to exclude the public during the item to which the report relates.
- (8) Where a meeting of a principal council in Wales—
 - (a) is required by section 100A to be open to the public during the proceedings or part of them, and
 - (b) is not held through remote means only,there must be made available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.
- (9) There must, on request and on payment of postage or other necessary charge for transmission, be supplied for the benefit of any newspaper—
 - (a) a copy of the agenda for a meeting of a principal council in Wales and a copy of each of the reports for the meeting,
 - (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda, and
 - (c) if the proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the council in connection with the item.
- (10) Subsection (2) applies in relation to copies of reports provided under subsection (8) or (9) as it applies in relation to copies of reports published under subsection (1).”

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Commencement Information

I7 Sch. 4 para. 7 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

8 (1) Section 100C of the 1972 Act (inspection of minutes and other documents after meetings) is amended as follows.

(2) In subsection (1), after “principal council” insert “ in England ”.

(3) After subsection (1) insert—

“(1A) After a meeting of a principal council in Wales the documents listed in subsection (1B) must—

- (a) be published electronically, and
- (b) remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting.

(1B) The documents are—

- (a) the minutes, or a copy of the minutes, of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information,
- (b) where applicable, a summary under subsection (2),
- (c) a copy of the agenda for the meeting, and
- (d) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.

(1C) As soon as reasonably practicable after a meeting of a principal council in Wales, and in any event before the end of seven working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out—

- (a) the names of the members who attended the meeting, and any apologies for absence;
- (b) any declarations of interest;
- (c) any decision taken at the meeting, including the outcomes of any votes, but excluding anything relating to a decision taken when the meeting was not open to the public as discloses exempt information.”

(4) In subsection (2), after “subsection (1)(a) above” insert “, or the document published under subsections (1A) and (1B)(a), ”.

(5) In the heading after “Inspection” insert “ and publication ”.

Commencement Information

I8 Sch. 4 para. 8 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

9 (1) Section 100D of the 1972 Act (background papers) is amended as follows.

(2) In subsection (1)—

- (a) after “members of the public” insert “, or are required by section 100BA(1) or 100C(1A) to be published electronically ”;

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- (b) omit the “and” after paragraph (a);
 - (c) in paragraph (b) at the beginning insert “ in relation to a principal council in England, ”;
 - (d) after paragraph (b) insert “, and
 - (c) in relation to a principal council in Wales, each of the documents included in that list must be published electronically, but if in the opinion of the proper officer it is not reasonably practicable to publish a document included in the list electronically at least one copy of the document must be open to inspection at the offices of the council.”
- (3) In subsection (2) at the beginning insert “ In relation to a principal council in England, ”.
- (4) After subsection (2) insert—
- “(2A) In relation to a principal council in Wales, copies of documents included in the list must—
- (a) where they are published under subsection (1)(c), remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting, and
 - (b) where they are open to inspection under subsection (1)(c), be open to inspection by members of the public at the offices of the council until the expiration of that period.”
- (5) In subsection (4)(b) after “the public” insert “ or published electronically ”.
- (6) In the heading after “Inspection” insert “ and publication ”.

Commencement Information

I9 Sch. 4 para. 9 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

- 10 (1) Section 100H of the 1972 Act (supplemental provision about access to meetings and documents) is amended as follows.
- (2) In subsection (2), at the beginning insert “ In relation to a principal council in England, ”.
- (3) After subsection (2) insert—
- “(2A) In relation to a principal council in Wales, where a document is open to inspection by a person under any provision of this Part the person may, subject to subsection (3) below—
- (a) make copies of the document or parts of the document, or
 - (b) require the person having custody of the document to provide a copy of the document or of parts of the document,
- upon payment of such reasonable fee as may be required for the facility.”
- (4) In subsection (3)—
- (a) for “Subsection (2) above does” substitute “ Subsections (2), (2A) and (6A) do ”;
 - (b) for “that subsection” substitute “ those subsections ”.

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(5) After subsection (3) insert—

“(3A) Provisions in this Part which require the publication of documents by a principal council in Wales do not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the council, nothing done in pursuance of those provisions constitutes an infringement of the copyright.”

(6) In subsection (5)—

- (a) omit the “or” after paragraph (a);
- (b) after paragraph (a), insert—
 - “(aa) is published electronically by a principal council in Wales, or”;
- (c) in paragraph (b), after “100B(7)” insert “ or 100BA(9) ”.

(7) In subsection (6)—

- (a) in paragraph (b), after “100B(7)(b)” insert “ or 100BA(9)(b) ”;
- (b) in paragraph (c), after “100B(7)(c)” insert “ or 100BA(9)(c) ”;
- (c) after paragraph (e), insert—
 - “(f) the note required to be published by a principal council in Wales under section 100C(1C).”

(8) After subsection (6) insert—

“(6A) A principal council in Wales must put in place facilities for members of the public who would otherwise not be able to do so, to access—

- (a) notices or other documents required to be published electronically under sections 100A(6)(aa), 100BA(1), 100C(1A) and (1C) and 100D(1)(c), and
- (b) documents required to remain accessible electronically under sections 100C(1A) and 100D(2A)(a).”

(9) After subsection (7) insert—

“(8) A principal council in Wales must have regard to any guidance issued by the Welsh Ministers about the exercise of its functions relating to the publication, provision and inspection of documents under this Part.”

Commencement Information

I10 Sch. 4 para. 10 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

11 In section 228(1) of the 1972 Act (minutes of community council meetings), omit “or community”.

Commencement Information

I11 Sch. 4 para. 11 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

12 After paragraph 26 of Schedule 12 to the 1972 Act (notices of meetings of community councils), insert—

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- “26ZA(1) As soon as reasonably practicable after a meeting of a community council, and in any event before the end of seven working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out—
- (a) the names of the members who attended the meeting, and any apologies for absence;
 - (b) any declarations of interest;
 - (c) any decision taken at the meeting, including the outcomes of any votes.
- (2) The duty under sub-paragraph (1)(c) to publish a note setting out any decisions does not apply—
- (a) in relation to a decision relating to business which was transacted in private, or
 - (b) where disclosure of the information would be contrary to any enactment.”

Commencement Information

I12 Sch. 4 para. 12 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

Application to committees and sub-committees

- 13 In section 100E of the 1972 Act (application to committees and sub-committees), in subsection (2)—
- (a) omit the “and” after paragraph (b);
 - (b) after paragraph (b) insert—
 - “(ba) the requirement in sections 100A(6)(aa), 100BA(1), 100C(1A) and (1C) and 100D(1)(c) to publish a document electronically is complied with if it is published electronically by every constituent principal council;
 - (bb) the requirement in sections 100C(1A) and 100D(2A)(a) for a document to remain accessible electronically is complied with if the document remains accessible on the website of every constituent principal council; and”;
 - (c) in paragraph (c), after “100D(1)” insert “ and (2A)(b) ”.

Commencement Information

I13 Sch. 4 para. 13 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#) (with [art. 3](#))

Application and interpretation

- 14 In section 100J of the 1972 Act (application to other authorities etc.), after subsection (4AA) insert—
- “(4AB) References to a principal council in Wales in this Part include—
- (a) a National Park authority for a National Park in Wales;
 - (b) a fire and rescue authority for an area in Wales;

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- (c) a joint board or joint committee which falls within subsection (2) and which discharges functions of two or more principal councils in Wales.”

Commencement Information

I14 Sch. 4 para. 14 in force at 1.5.2021 by [S.I. 2021/354](#), **art. 2(c)** (with **art. 3**)

- 15 In section 100K of the 1972 Act (interpretation and application of Part 5A), after subsection (1) insert—

“(1A) In this Part references to a meeting of a principal council in Wales held through remote means are to a meeting held by means of any 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).”

Commencement Information

I15 Sch. 4 para. 15 in force at 1.5.2021 by [S.I. 2021/354](#), **art. 2(c)** (with **art. 3**)

- 16 In section 270 of the 1972 Act (interpretation), after subsection (1) insert—

“(1A) A requirement to publish a notice or document electronically, imposed by—

- (a) this Act on a local authority in Wales, or
- (b) Part 5A on a body or authority in Wales (other than a principal council),

is, where such an authority has its own website, a requirement to publish on that website.”

Commencement Information

I16 Sch. 4 para. 16 in force at 1.5.2021 by [S.I. 2021/354](#), **art. 2(c)**

Publication of public notices given by local authorities

- 17 (1) Section 232 of the 1972 Act (public notices) is amended as follows.
- (2) In subsection (1)—
- (a) omit the “and” at the end of paragraph (a);
 - (b) after paragraph (b) insert “; and
 - (c) where the local authority is a local authority in Wales, by publishing it electronically.”
- (3) Omit subsection (1ZA).
- (4) After subsection (2) insert—
- “(3) The Welsh Ministers may by regulations make further or different provision about the manner of giving a public notice required to be given by a local authority in Wales.

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- (4) Regulations under subsection (3) may also make provision about the manner of giving a public notice required to be given by—
- (a) a National Park authority for a National Park in Wales;
 - (b) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales.
- (5) Regulations under subsection (3) may—
- (a) make different provision for different purposes;
 - (b) include supplementary, incidental, consequential, transitional, transitory or saving provision (including provision amending, modifying, repealing or revoking any enactment (including this Act and the Local Government and Elections (Wales) Act 2021)).
- (6) A statutory instrument containing regulations under subsection (3) must not be made unless a draft of the instrument has been laid before and approved by resolution of Senedd Cymru.”

Commencement Information

I17 Sch. 4 para. 17(4) in force at 21.1.2021, see [s. 175\(1\)\(c\)](#)

I18 Sch. 4 para. 17(1)-(3) in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#)

- 18 In Schedule 7 to the Environment Act 1995 (c. 25) (National Park authorities), in paragraph 17(2)(d) (application of provisions of the 1972 Act about service and authentication of documents to National Park authorities) for “to 234” substitute “, 232 (other than subsection (1)(c)), 233 and 234 ”.

Commencement Information

I19 Sch. 4 para. 18 in force at 1.5.2021 by [S.I. 2021/354](#), [art. 2\(c\)](#)

Electronic service of summonses on members to attend local authority meetings

- 19 (1) Schedule 12 to the 1972 Act is amended as follows.
- (2) In paragraph 4(2)(b) (summonses to meetings of principal councils)—
- (a) for “signed” substitute “ authenticated ”;
 - (b) for the words from “shall” to the end of that paragraph substitute “ must, subject to sub-paragraph (3), be sent to every member of the council electronically; and each member must specify an electronic address for that purpose. ”
- (3) After paragraph 4(2B) (inserted by paragraph 3(c) of this Schedule), insert—
- “(2C) In sub-paragraph (2)(b) “authenticated” means signed or otherwise authenticated in such manner as the proper officer considers appropriate.”
- (4) In paragraph 4(3) for the words from “some address” to the end of that sub-paragraph substitute “ an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address. ”

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- (5) In paragraph 26(2)(b) (summonses to meetings of community councils)—
- (a) for “signed” substitute “ authenticated ”;
 - (b) for the words from “shall” to the end of that paragraph, substitute “ must, subject to sub-paragraph (2C), be sent to every member of the council electronically; and each member must specify an electronic address for that purpose. ”
- (6) After paragraph 26(2A), insert—
- “(2B) In sub-paragraph (2)(b) “authenticated” means signed or otherwise authenticated in such manner as the proper officer considers appropriate.
- (2C) If a member of a community council gives notice in writing to the proper officer of the council that summonses to attend meetings of the council should be sent to the member at an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address.”

Commencement Information

I20 Sch. 4 para. 19 in force at 1.5.2021 by [S.I. 2021/354](#), **art. 2(c)** (with [art. 3](#))

Venue for community council meetings

- 20 (1) In paragraph 26 of Schedule 12 to the 1972 Act, for sub-paragraph (1) substitute—
- “(1) Meetings of the community council and its committees and sub-committees are to be held at such place, either within or outside the council’s area, as the council may direct.”
- (2) In consequence of sub-paragraph (1), in Schedule 6 to the Licensing Act 2003 (c. 17) (minor and consequential amendments) omit paragraph 61(2)(b).

Commencement Information

I21 Sch. 4 para. 20 in force at 1.5.2021 by [S.I. 2021/354](#), **art. 2(c)** (with [art. 3](#))

Notices of community council committee and sub-committee meetings to be published

- 21 In paragraph 26 of Schedule 12 to the 1972 Act, after sub-paragraph (2C) (inserted by paragraph 19(6) of this Schedule) insert—
- “(2D) At least three clear days before a meeting of a committee or sub-committee of a community council, notice of the time and place of the intended meeting must be published electronically and fixed in a conspicuous place in the community.
- (2E) If the chairman of a committee or sub-committee of a community council considers that a meeting of the committee or sub-committee should take place urgently, sub-paragraph (2D) has effect as if for the words “three clear days” there were substituted “ twenty four hours ”.”

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Commencement Information

I22 Sch. 4 para. 21 in force at 1.5.2021 by [S.I. 2021/354](#), **art. 2(c)** (with [art. 3](#))

Saving provision

- 22 Sections 100A to 100D and 100H of the 1972 Act apply to community health councils and community health committees in accordance with section 1 of the Community Health Councils (Access to Information) Act 1988 (c. 24) (access to meetings and documents of community health councils) as if the amendments made by paragraphs 1, 2 and 6 to 10 of this Schedule had not been made.

Commencement Information

I23 Sch. 4 para. 22 in force at 1.5.2021 by [S.I. 2021/354](#), **art. 2(c)**

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 1.