



Local Government (Wales) Measure 2011

2011 nawm 4

PART 7

COMMUNITIES AND COMMUNITY COUNCILS

CHAPTER 3

CO-OPTION OF MEMBERS OF COMMUNITY COUNCILS

116 Requirement of public notice where vacancies in community council membership are to be filled by co-option

- (1) This section applies to the following functions—
 - (a) the power of members of a community council under section 21(2)(a) of the Representation of the People Act 1985 to co-opt a person to fill a vacancy in the membership of the council (power to co-opt in the event of insufficient nominations to fill vacancies in respect of which an election is held);
 - (b) any power or duty of a community council under rules made under [F1section 36A] of the Representation of the People Act 1983 to co-opt a person to fill a casual vacancy in the membership of the council.
- (2) A function to which this section applies must not be exercised unless public notice of the vacancy or vacancies in question has been given.
- (3) The public notice must be given—
 - (a) in the case of the power to co-opt referred to in subsection (1)(a), by any one of the members of the community council authorised for that purpose by a majority of the other members;
 - (b) in the case of the power or duty to co-opt referred to in subsection (1)(b), by the community council.
- (4) Section 232 of the Local Government Act 1972 (public notices) applies to the giving of a public notice by a member of a community council under subsection (3)(a) as if

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applies to the giving of a public notice by a community council under subsection (3)(b).

- (5) The public notice must contain—
- (a) contact details of an individual from whom further information about the vacancy or vacancies in question, and the process for selecting a person for co-option, may be obtained;
 - (b) such other information as—
 - (i) in the case of a notice under subsection (3)(a), the members of the community council consider appropriate, and
 - (ii) in the case of a notice under subsection (3)(b), the community council considers appropriate, and
 - (c) such other information as is required to be included in the notice by any regulations made by the Welsh Ministers.

Textual Amendments

- F1** Words in s. 116(1)(b) substituted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021](#) (asc 1), s. 175(3)(f), **Sch. 2 para. 14(3)**

Modifications etc. (not altering text)

- C1** S. 116(2) modified (temp.) (4.12.2020) by [The Local Government \(Coronavirus\) \(Postponement of Elections\) \(Wales\) \(No. 2\) Regulations 2020](#) (S.I. 2020/1399), regs. 2, **9(1)(3)**

117 Guidance about giving public notice of co-option

- (1) In exercising functions under subsections (2) to (5) of section 116, the members of a community council and a community council must have regard to guidance given by the Welsh Ministers.
- (2) The reference to functions in subsection (1) includes a reference to functions under section 232 of the Local Government Act 1972 in relation to a notice required to be given under section 116(2).

Modifications etc. (not altering text)

- C2** S. 117(1) modified (temp.) (4.12.2020) by [The Local Government \(Coronavirus\) \(Postponement of Elections\) \(Wales\) \(No. 2\) Regulations 2020](#) (S.I. 2020/1399), regs. 2, **9(1)(4)**

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