



# Local Government (Wales) Act 1994

## 1994 CHAPTER 19

### PART I

#### LOCAL GOVERNMENT AREAS IN WALES

##### *The new areas and their councils*

#### **1 The local government areas**

(1) For section 20 of the Local Government Act 1972 (“the 1972 Act”) substitute—

##### **“20 New principal local government areas in Wales**

- (1) For the administration of local government on and after 1st April 1996, the local government areas in Wales shall be—
  - (a) the new principal areas; and
  - (b) the communities.
- (2) The new principal areas (determined by reference to areas which, immediately before the passing of the Local Government (Wales) Act 1994, are local government areas) are set out in Parts I and II of Schedule 4 to this Act.
- (3) Each of the new principal areas shall have the name given to it in Schedule 4.
- (4) The new principal areas set out in Part I of Schedule 4 shall be counties and those set out in Part II of that Schedule shall be county boroughs.
- (5) In this Act “principal area”, in relation to Wales, means a county or county borough.
- (6) The counties which were created by this Act, as originally enacted, as counties in Wales, and the districts within them, shall cease to exist on 1st April 1996 except that the preserved counties shall continue in existence (with, in some cases, modified boundaries) for certain purposes.

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- (7) The councils of the counties and districts mentioned in subsection (6) above shall cease to exist on 1st April 1996.
- (8) The areas of the preserved counties are set out in Part III of Schedule 4 and are determined by reference to local government areas in existence immediately before the passing of the Local Government (Wales) Act 1994.
- (9) The Secretary of State may by order change the name by which any of the preserved counties is for the time being known.
- (10) Any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) The Welsh name of each of the new principal areas is shown in Schedule 4 immediately after its English name.”
- (2) Schedule 1 substitutes new Parts I, II and III in Schedule 4 to the 1972 Act.
- (3) Schedule 2 provides for the application of certain enactments in relation to the preserved counties.
- (4) Section 270(1) of the 1972 Act (definitions) is amended as follows.
- (5) In the definition of “local authority” for “or community council” substitute “council but, in relation to Wales, means a county council, county borough council or community council;”.
- (6) In the definition of “local government area”, for paragraph (b), substitute—  
“(b) in relation to Wales, a county, county borough or community;”.
- (7) After the definition of “prescribed” insert—  
““preserved county” means any county created by this Act as a county in Wales, as it stood immediately before the passing of the Local Government (Wales) Act 1994 but subject to any provision of the Act of 1994, or any provision made under this Act, redrawing its boundaries;”.
- (8) In the definition of “principal area” insert at the end “but, in relation to Wales, means a county or county borough.”

## **2 Constitution of new principal councils in Wales**

For section 21 of the 1972 Act substitute—

### **“21 Constitution of principal councils in Wales**

- (1) For every principal area in Wales there shall be a council consisting of a chairman and councillors.
- (2) Each such council shall be a body corporate and shall have the functions given to them by this Act or otherwise.
- (3) Each council for a county in Wales shall have the name of the county with the addition—

- (a) in the case of their English name, of the words “County Council” or the word “Council” (as in “Cardiganshire County Council” or “Cardiganshire Council”); and
  - (b) in the case of their Welsh name, of the word “Cyngor” (as in “Cyngor Sir Aberteifi”).
- (4) Each council for a county borough in Wales shall have the name of the county borough with the addition—
  - (a) in the case of their English name, of the words “County Borough Council” or the word “Council” (as in “Caerphilly County Borough Council” or “Caerphilly Council”); and
  - (b) in the case of their Welsh name, of the words “Cyngor Bwrdeistref Sirol” or the word “Cyngor” (as in “Cyngor Bwrdeistref Sirol Caerffili” or “Cyngor Caerffili”).
- (5) In the case of Abertawe, Caerdydd and Powys subsection (3)(b) above shall have effect as if it required the addition of the words “Cyngor Sir”.

### **3 Establishment of new principal councils**

Schedule 3 makes provision (by substituting a new Schedule for Schedule 5 to the 1972 Act) with respect to the establishment of the new principal councils, on a date in 1995 to be fixed by the Secretary of State, and the election of their members.

### **4 Elections of councillors**

- (1) For section 25(2) of the 1972 Act (electoral divisions) substitute—
  - “(2) For the purpose of the election of councillors, every principal area in Wales shall be divided into electoral divisions, each returning such number of councillors as may be provided by an order under paragraph 2 of Schedule 5 to this Act or under or by virtue of the provisions of Part IV of this Act.
  - (3) There shall be a separate election for each electoral division.”
- (2) For section 26 of the 1972 Act substitute—

#### **“26 Elections of councillors**

- (1) The ordinary elections of councillors of the new principal councils shall take place in 1995 and in every fourth year after 1995.
- (2) The term of office of every such councillor shall be four years.
- (3) On the fourth day after any such ordinary election—
  - (a) the persons who were councillors immediately before the election shall retire; and
  - (b) the newly elected councillors shall assume office.”

### **5 Change of status from county to county borough**

For section 245A of the 1972 Act substitute—

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**“245A Change of status of Welsh county to county borough**

- (1) Where a petition is presented to Her Majesty by the council of a county in Wales praying for the grant of a charter under this section, Her Majesty, on the advice of Her Privy Council, may by charter confer on that county the status of a county borough.
- (2) No such petition shall be presented unless a resolution of the council has been passed by not less than two-thirds of the members voting at a meeting of the council specially convened for the purpose.
- (3) No charter under this section shall take effect before 1st April 1996.
- (4) A county borough which has acquired that status by a charter under this section—
  - (a) shall be a county borough; but
  - (b) shall not be treated as a borough for the purposes of any Act passed before 1st April 1974.
- (5) This section shall have effect subject to any provision made by a grant under Her Majesty’s prerogative and, in particular, to any provision granting the status of a royal borough or conferring any style on any person.”

*Electoral arrangements*

**6 Review of electoral arrangements for new principal areas**

For section 64 of the 1972 Act (special community review and review of electoral arrangements) substitute—

**“64 Review of electoral arrangements for Welsh principal areas**

- (1) As soon as practicable after the ordinary election of councillors for any of the Welsh principal areas held in 1995, the Welsh Commission shall—
  - (a) review the electoral arrangements for that area with a view to considering future electoral arrangements; and
  - (b) formulate proposals for those arrangements.
- (2) The provisions of Part IV of this Act shall apply to a review under subsection (1) above as they apply to a review under section 57 above.
- (3) In its application to a review under subsection (1) above, section 58 above shall have effect as if it required—
  - (a) the Welsh Commission to submit a report for any principal area before such date as the Secretary of State may direct, and
  - (b) the Secretary of State to make an order under section 58 above giving effect to the proposals of the Commission under subsection (1) above (whether as submitted to him or with modifications).”

## **7 Rules to be observed in considering electoral arrangements**

(1) Schedule 11 to the 1972 Act (rules to be observed in considering electoral arrangements) shall be amended as follows.

(2) In paragraph 1 (rules for counties)—

- (a) in sub-paragraph (1), at the end add “but does not apply in relation to any county in Wales”; and
- (b) in sub-paragraph (2)(c) and (d), omit “or community”, in each place.

(3) After paragraph 1 insert—

### *“Welsh counties and county boroughs*

- 1A
- (1) This paragraph applies to the consideration by the Secretary of State or the Welsh Commission of the electoral arrangements for elections of councillors for principal areas in Wales.
  - (2) Subject to any direction under sub-paragraph (3) below, the Welsh Commission shall, when considering the arrangements for elections of councillors for any principal area in Wales, provide for there to be a single member for each electoral division.
  - (3) The Secretary of State may give a direction to the Welsh Commission requiring it to consider the desirability of providing for multi-member electoral divisions for the area to which the direction relates (which may be the whole or a specified part of a principal area in Wales).
  - (4) For the purposes of this paragraph, an electoral division is a multi-member division if the arrangements made for the elections of councillors provide for a specified number of councillors (greater than one) to be elected for that division.
  - (5) Having regard to any change in the number or distribution of the local government electors of the principal area likely to take place within the period of five years immediately following the consideration—
    - (a) subject to paragraph (b), the number of local government electors shall be, as nearly as may be, the same in every electoral division in the principal area;
    - (b) where there are one or more multi-member divisions, the ratio of the number of local government electors to the number of councillors to be elected shall be, as nearly as may be, the same in every electoral division in the principal area (including any that are not multi-member divisions);
    - (c) every ward of a community having a community council (whether separate or common) shall lie wholly within a single electoral division; and
    - (d) every community which is not divided into community wards shall lie wholly within a single electoral division.
  - (6) Subject to sub-paragraph (5) above, in considering the electoral arrangements referred to in sub-paragraph (1) above, regard shall be had to—

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- (a) the desirability of fixing boundaries which are and will remain easily identifiable; and
- (b) any local ties which would be broken by the fixing of any particular boundary.”

(4) In paragraph 4, after “Commissions” insert “by a Welsh principal council”.

### *Communities and their councils*

## **8 Community meetings and continuation of community councils**

For section 27 of the 1972 Act substitute—

### *“Communities*

#### **2 Community meetings and continuation of community councils**

- (1) A meeting of the local government electors for a community (“a community meeting”) may be convened for the purpose of discussing community affairs and exercising any functions conferred by any enactment on such meetings.
- (2) The community councils in existence on 1st April 1996 shall, subject to any provision made under this Act, continue in existence after that date.
- (3) Subsection (4) below applies where—
  - (a) the name of a community was given only in its English form or only in its Welsh form; but
  - (b) there is a generally accepted alternative form of that name, or alternative name, in Welsh or (as the case may be) in English.
- (4) The principal council within whose area the community lies shall, before 1st October 1997, take such steps as may be prescribed with a view to securing that there is both an English and a Welsh name for the community.”

## **9 Establishment, dissolution and grouping etc. of community councils**

For section 28 of the 1972 Act substitute—

### **“28 Establishment or dissolution of community councils**

- (1) A community meeting of a community which does not have a separate community council may apply to the principal council within whose area it lies for an order establishing a council for the community.
- (2) A community meeting of a community which has a separate community council may apply to the principal council within whose area it lies for an order dissolving the community council.
- (3) If, on any application under this section, the principal council are satisfied that the relevant requirements of section 29B below and Schedule 12 to this Act have been complied with, they shall make the order applied for.

- (4) An order under this section establishing a separate community council for a community shall make such provision as appears to the council making it to be necessary for the election of a community council in accordance with this Act and Part I of the Representation of the People Act 1983.
- (5) An order under this section establishing a separate community council for a community grouped under a common community council shall not be made unless—
  - (a) the community is separated from the group, or
  - (b) the group is dissolved,by the order, or by an order under section 29A below.
- (6) Where, in a case to which subsection (5) above applies, the group is not dissolved, the order under this section shall make such provision as appears to the principal council making it to be necessary for the alteration of the group's community council.
- (7) Subject to section 30 below, an application under subsection (1) or (2) above may be made at any time.
- (8) This section is subject to section 29B below.”

## **10 Community councils for groups of communities**

For section 29 of the 1972 Act substitute—

### **“29 Community councils for groups of communities**

- (1) A community meeting of a community may apply to the principal council within whose area the community is situated—
  - (a) for an order grouping the community with some neighbouring community or communities which lie in the same principal area as the applicant, under a common community council, or
  - (b) for an order adding the community to a group of communities—
    - (i) which are all in the area of the same principal council as the community; and
    - (ii) for which there is a common community council.
- (2) If, on any application under this section, the principal council are satisfied that—
  - (a) the relevant requirements of section 29B below and Schedule 12 to this Act have been complied with, and
  - (b) in the case of an application under subsection (1)(b) above, that a community meeting of each of the communities in the group has consented to the applicant becoming a member of the group,they shall make the order applied for.
- (3) Subject to section 30 below, an application under subsection (1) above may be made at any time.
- (4) An order under this section shall provide for the name of the group in both an English and a Welsh form.

- (5) An order under this section shall—
  - (a) make such provision as appears to the council making it to be necessary for the election, in accordance with this Act and Part I of the Representation of the People Act 1983, of separate representatives on the community council for each community or for the wards of any community or, in the case of an order which adds a community to a group, for that community or for the wards of that community; and
  - (b) provide for the dissolution of the separate community council of any community included in the group.
- (6) An order under this section shall make such provision as appears to the council making it to be necessary for the application to the communities included in the group of all or any of the provisions of section 79 of the Charities Act 1993 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community.
- (7) An order under this section may provide for any necessary adaptations of this Act in relation to the group of communities.
- (8) This section is subject to section 29B below.”

## **11 Community councils for groups of communities: dissolution**

After section 29 of the 1972 Act, insert—

### **“29A Community councils for groups of communities: dissolution**

- (1) The council of a group of communities may apply to the principal council within whose area the communities lie for an order dissolving the group.
- (2) A community meeting of a community included in a group of communities may apply to the principal council within whose area the community lies for an order separating the community from the group.
- (3) If, on any application under this section, the principal council are satisfied that—
  - (a) the relevant requirements of section 29B below and Schedule 12 to this Act have been complied with, and
  - (b) in the case of an application under subsection (1) above, that a community meeting of each of the communities in the group has consented to the dissolution of the community council,
 they shall make the order applied for.
- (4) Where a community council are dissolved by an order under this section, the order shall make such provision as appears to the principal council to be necessary for the election of a community council for any of the communities in the group in accordance with this Act and Part I of the Representation of the People Act 1983.
- (5) Where a community is separated from a group by an order under this section, the order shall make such provision as appears to the principal council to be necessary for the election of a community council for the community in



accordance with this Act and Part I of the Representation of the People Act 1983.

(6) Subject to section 30 below, an application under subsection (1) above may be made at any time.

(7) This section is subject to section 29B below.”

## **12 Community councils: supplemental provisions**

(1) After section 29A of the 1972 Act, insert—

### **“29B Community councils: applications under section 28, 29 or 29A**

- (1) An application under section 28, 29 or 29A above may be made only if—
  - (a) a poll of the local government electors in the community has been held;
  - (b) a majority of those voting in the poll supports the proposal; and
  - (c) in the case of an application under section 29(1)(a), the application is made jointly with the communities to be grouped under the common community council.
- (2) In the case of an application under section 29A(1), paragraphs (a) and (b) of subsection (1) above apply in relation to each of the communities concerned.
- (3) The consent required by section 29(2)(b) or 29A(3)(b) above may be given by a community meeting only if—
  - (a) a poll of the local government electors in the community has been held; and
  - (b) a majority of those voting in the poll supports the proposal.
- (4) At any community meeting at which there is discussed a proposal—
  - (a) for the establishment, or for the dissolution, of a community council,
  - (b) for the grouping of the community with another community or communities (on an application under section 29(1)(a) or (b) above), under a common community council;
  - (c) for the separation of the community from the communities with which it is grouped under a common community council;
  - (d) for the dissolution of the common community council for the communities with which it is grouped;
  - (e) for the giving of the consent required by section 29(2)(b) or 29A(3)(b) above,a decision to hold a poll on the question shall be effective only if not less than the required number of local government electors is present and voting.
- (5) The required number of local government electors is such number as is equal to 30% of the local government electorate or, if that number exceeds 300, is 300.
- (6) No poll shall be held for the purposes of this section before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.

- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.
- (8) Where the result of any poll (“the previous poll”) held for the purposes of this section is the rejection of the proposal with respect to which the poll was held, no further poll on that question shall be held before the end of the period of two years beginning with the date on which the previous poll was held.”
- (2) For sub-paragraphs (2) and (3) of paragraph 30 of Schedule 12 to the 1972 Act substitute—
  - “(2) Except in a case falling within sub-paragraph (3) below, public notice of any community meeting shall be given not less than 7 clear days before the meeting.
  - (3) Where any business proposed to be transacted at a community meeting relates to any of the matters mentioned in section 29B(4) of this Act, public notice of the meeting shall be given not less than 30 clear days before the meeting.
  - (3A) The notice required by sub-paragraph (2) or (3) above shall—
    - (a) specify the time and place of the intended meeting;
    - (b) specify the business to be transacted at the meeting; and
    - (c) be signed by the person or persons convening the meeting.”

### 13 Constitution and powers of community councils

For section 33 of the 1972 Act substitute—

#### “33 Constitution and powers of community councils

- (1) A community council shall be a body corporate consisting of the chairman and community councillors and shall have the functions given to them by this Act or otherwise.
- (2) Each community council shall have the name of the community, with the addition—
  - (a) in English, of the words “Community Council” (as in “Dale Community Council” or “Llandrillo Community Council”); and
  - (b) in Welsh, of the words “Cyngor Cymuned” (as in “Cyngor Cymuned Dale” or “Cyngor Cymuned Llandrillo”).
- (3) A community council need not have a common seal.
- (4) Where a community council do not have a seal, any act of theirs which is required to be signified by an instrument under seal may be signified by an instrument signed and sealed by two members of the council.”

### 14 Consultation with community councils

After section 33 of the 1972 Act insert—

### **“33A Consultation with community councils**

- (1) The Secretary of State may by order designate any matter—
  - (a) for the purposes of subsection (2) below; or
  - (b) for the purposes of subsection (3) below.
- (2) Where a new principal council are to consider any proposal which relates to a matter which is designated for the purposes of this subsection, the council shall—
  - (a) afford the relevant community councils an opportunity to make representations to them about the proposal;
  - (b) before making any decision in relation to the proposal, take into account any representations made to them by any relevant community council with respect to the proposal; and
  - (c) when they take a decision with respect to the proposal, notify without delay any relevant community council by whom any such representations have been made.
- (3) If a community council have given written notice to the relevant principal council—
  - (a) that they wish to be consulted about a specified proposal which is to be considered by the principal council, and which relates to a matter designated for the purposes of this subsection, or
  - (b) that they wish to be consulted about any proposal which is to be considered by the principal council and which relates to such a matter,the principal council shall take the steps mentioned in subsection (2) above in relation to that community council.
- (4) An order under this section may—
  - (a) prescribe circumstances (including, in particular, the need to act with urgency) in which subsections (2) and (3) above do not apply;
  - (b) give the Secretary of State power, in such circumstances as may be prescribed by the order, to provide that in relation to any principal council specified by him, those subsections shall not apply or shall apply only to the extent specified by him.
- (5) A contravention of the duty imposed by subsection (2) or (3) above shall not affect the validity of any decision of a principal council or of anything done in pursuance of any such decision.
- (6) In this section—

“relevant community council”, in relation to a principal council, means the council of any community which is, or group of communities which are, within the area of the principal council; and

“relevant principal council”, in relation to any community council, means the principal council within whose area the community is, or group of communities are, situated.
- (7) The power to make an order under this section shall include power—
  - (a) to make such incidental, consequential, transitional or supplemental provision as the Secretary of State thinks necessary or expedient; and

- (b) to make different provision for different areas, including different provision for different localities and for different authorities.”

## 15 Elections of community councillors

In section 35 of the 1972 Act (community councillors), for subsection (2) substitute—

“(2) There shall be ordinary elections of community councillors in 1995 and in every fourth year thereafter.

(2A) The term of office of the community councillors shall be four years.

(2B) On the fourth day after any such ordinary election—

- (a) the persons who were councillors immediately before the election shall retire; and
- (b) the newly elected councillors shall assume office.”

## 16 Community having the status of a town

After section 245A of the 1972 Act insert—

### “245B Community having the status of a town

- (1) The council of a community which is not grouped with any other community may, subject to subsection (3) below, resolve that the community shall have the status of a town.
- (2) Where a community has the status of a town—
  - (a) the town council shall have the name of the community with the addition—
    - (i) in English, of the words “Town Council”; and
    - (ii) in Welsh, of the words “Cyngor Tref”;
  - (b) the chairman of the town council shall be entitled to the style of “town mayor” or “maer y dref”; and
  - (c) the vice-chairman of the town council shall be entitled to the style of “deputy town mayor” or “dirprwy faer y dref”.
- (3) Where the provisions of section 27(4) above apply in relation to a community, the council of that community shall not pass a resolution under subsection (1) above unless it is satisfied that those provisions have been complied with in relation to the community.
- (4) Any such resolution shall cease to have effect if the community to which it relates ceases to exist.
- (5) If a community council which has passed such a resolution is dissolved without the community ceasing to exist, the dissolution shall not affect the status of the community.
- (6) A community council by whom a resolution has been passed under subsection (1) above or, if the council has been dissolved, a community meeting of the community may resolve that the resolution shall cease to have effect.

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- (7) On the passing of a resolution under subsection (6) above, the community shall cease to have the status of a town.
- (8) This section shall have effect subject to any provision made by a grant under Her Majesty's prerogative and, in particular, to any provision conferring any style on any person."