
WELSH STATUTORY INSTRUMENTS

2021 No. 296

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

Local Government Act 2003

- 5.—(1) The Local Government Act 2003(1) is amended as follows.
- (2) In section 36 (grants in connection with designation for service excellence)—
- (a) in subsection (1) for “or to a Welsh improvement authority within the meaning of section 1 of the Local Government (Wales) Measure 2009”(2) substitute “or to a relevant Welsh authority”;
 - (b) after subsection (3) insert—
 - “(4) In subsection (1) “relevant Welsh authority” means—
 - (a) a county council or county borough council in Wales;
 - (b) a National Park authority for a National Park in Wales;
 - (c) a fire and rescue authority in Wales, 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.”
- (3) In section 36A(3) (grants by Ministers of the Crown in respect of best value authorities etc.)—
- (a) in subsection (1) for “or a Welsh improvement authority or Welsh improvement authorities”(4) substitute “or a relevant Welsh authority or relevant Welsh authorities”;
 - (b) in subsection (2), in paragraph (b) for “Welsh improvement authority”(5) substitute “relevant Welsh authority”;
 - (c) in subsection (3) for “or a Welsh improvement authority”(6) substitute “or a relevant Welsh authority”;
 - (d) in subsection (7) for the definition of “Welsh improvement authority”(7) substitute—
 - ““relevant Welsh authority” means—
 - (a) a county council or county borough council in Wales;
 - (b) a National Park authority for a National Park in Wales;
 - (c) a fire and rescue authority in Wales, 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.”

(1) 2003 c. 26.

(2) The words to be omitted were inserted by paragraph 24 of Schedule 1 to the 2009 Measure. There are other amendments to subsection (1) not relevant to these regulations.

(3) Section 36A was added by section 143(1) of the Local Government and Public Involvement in Health Act 2007.

(4) The words to be omitted were inserted by paragraph 25(a) of Schedule 1 to the 2009 Measure.

(5) The words to be omitted were inserted by paragraph 25(b) of Schedule 1 to the 2009 Measure.

(6) The words to be omitted were inserted by paragraph 25(c) of Schedule 1 to the 2009 Measure.

(7) The definition of “Welsh improvement authority” was inserted by paragraph 25(d) of Schedule 1 to the 2009 Measure.

- (4) In section 36B(8) (grants by Welsh Ministers in respect of Welsh best value authorities)—
- (a) in subsection (1) for the words from “compliance by a Welsh improvement authority” to the end(9) substitute “compliance by a Welsh principal council or Welsh principal councils with the performance requirements set out in section 89 of the Local Government and Elections (Wales) Act 2021 or the requirements of, or any requirements imposed under, Chapter 1 of Part 6 of that Act”;
 - (b) in subsection (2) for “or Welsh improvement authority”(10) substitute “or Welsh principal council”;
 - (c) in subsection (6) for the definition of “Welsh improvement authority”(11) substitute—

““Welsh principal council” means a county council or county borough council in Wales.”;
 - (d) in the heading, for “best value authorities” substitute “principal councils”.
- (5) In section 95 (power to trade in function-related activities through a company), in subsection (7), in the definition of “relevant authority”—
- (a) for paragraph (aa)(12) substitute—

“(aa) a county council or county borough council in Wales;”;
 - (b) after paragraph (ac)(13) insert—

“(ad) a fire and rescue authority in Wales, 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;

(ae) a National Park authority for a National Park in Wales;”.
- (6) In section 97 (power to modify enactments in connection with charging or trading), in subsection (11), in the definition of “relevant authority”(14), for paragraph (b) substitute—
- “(b) in relation to Wales—
- (i) a county council or county borough council in Wales;
 - (ii) a community council;
 - (iii) a National Park authority for a National Park in Wales;
 - (iv) a fire and rescue authority in Wales, 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.”
- (7) In section 101 (staff transfer matters: general)—
- (a) omit subsection (5A)(15);
 - (b) in subsection (7A)(16)—
 - (i) for paragraph (aa)(17) substitute—

“(aa) a county council or county borough council in Wales;”;

(8) Section 36B was inserted by section 143(1) of the Local Government and Public Involvement in Health Act 2007.

(9) The words to be omitted were inserted by paragraph 26(a) of Schedule 1 to the 2009 Measure.

(10) The words to be omitted were inserted by paragraph 26(b) of Schedule 1 to the 2009 Measure.

(11) The definition of “Welsh improvement authority” was inserted by paragraph 26(c) of Schedule 1 to the 2009 Measure.

(12) Paragraph (aa) was inserted by paragraph 28 of Schedule 1 to the 2009 Measure.

(13) Paragraph (ac) was inserted by paragraph 83(4) of Schedule 1 to the Policing and Crime Act 2017 (c. 3).

(14) The definition of “relevant authority” was substituted by article 40(2)(g)(ii) of the Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644).

(15) Subsection (5A) was inserted by paragraph 30(a) of Schedule 1 to the 2009 Measure.

(16) Subsection (7A) was inserted by paragraph 3(9)(c) of Schedule 7 to the Local Government and Public Involvement in Health Act 2007.

(17) Paragraph (aa) was inserted by paragraph 30(b) of Schedule 1 to the 2009 Measure.

(ii) after paragraph (aa) insert—

“(ab) a National Park authority for a National Park in Wales;

(ac) a fire and rescue authority in Wales, 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;”.

(8) In section 124 (general interpretation) omit the definition of “Welsh improvement authority”(18).

(18) The definition of “Welsh improvement authority” was inserted by paragraph 31 of Schedule 1 to the 2009 Measure.