



Local Government (Democracy) (Wales) Act 2013

2013 anaw 4

An Act of the National Assembly for Wales to make provision about the constitution and functions of the Local Democracy and Boundary Commission for Wales; to make various provisions relating to local government; and for connected purposes. [30 July 2013]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:-

PART 1

INTRODUCTION

1 Overview

- (1) This Part provides an overview of the provisions of this Act.
- (2) Part 2 renames the Local Government Boundary Commission for Wales as the Local Democracy and Boundary Commission for Wales and reforms its constitution and functions.
- (3) Part 3 makes provision about—
 - (a) the duties of the Commission to monitor the arrangements for local government and to conduct reviews where appropriate, and the duties of principal councils to monitor the arrangements for the communities in their area and to conduct reviews where appropriate (see sections 21 and 22),
 - (b) the types of reviews that can be conducted, the considerations to be taken into account by the reviewing body and the changes that can be recommended in relation to each type of review (see sections 23 to 33),
 - (c) the procedure for conducting reviews (see sections 34 to 36),

Changes to legislation: *Local Government (Democracy) (Wales) Act 2013 is up to date with all changes known to be in force on or before 07 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (d) the implementation of recommendations following a review and associated matters (such as the transfer of staff or property between principal councils and other public bodies) (see sections 37 to 44).
- (4) Part 4 makes provision about the review of the membership of certain public bodies.
- (5) Part 5 makes provision—
- (a) about the appointment of a presiding member for a principal council;
 - (b) restating and extending the powers of local authorities in relation to promoting and opposing private Bills;
 - (c) requiring community council information to be made available electronically;
 - (d) about the electronic publication of certain public bodies' (including local authorities) registers of members' interests;
 - (e) relating to remote attendance at meetings of principal councils;
 - (f) relating to the role of democratic services committees;
 - (g) applying political balance requirements to the audit committees of principal councils;
 - (h) relating to the functions of the Independent Remuneration Panel for Wales and how it prepares reports;
 - (i) about the establishment of joint standards committees;
 - (j) enabling the standards committee or monitoring officer of a relevant authority to refer cases relating to conduct to the standards committee or monitoring officer of another relevant authority.
- (6) Part 6 makes general provision about this Act.

PART 2

LOCAL DEMOCRACY AND BOUNDARY COMMISSION FOR WALES

Continuation and name

2 Local Democracy and Boundary Commission for Wales

- (1) The body corporate called the Local Government Boundary Commission for Wales (established under section 53 of the 1972 Act) is to continue in existence.
- (2) But it is renamed, and is to be known as, the Local Democracy and Boundary Commission for Wales (referred to in this Act as “the Commission”).

Status

3 Status

- (1) The Commission is not to be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The Commission's property is not to be regarded as property of, or property held on behalf of, the Crown.

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Members

4 Membership

- (1) The Commission consists of—
 - (a) a member to chair the Commission (the “chairing member”),
 - (b) a member to act as deputy to the chairing member, and
 - (c) not more than 3 other members.
- (2) Members are to be appointed by the Welsh Ministers on such terms and conditions as the Welsh Ministers may determine (including conditions as to remuneration, allowances and expenses).
- (3) The Welsh Ministers may not appoint a person who is—
 - (a) a member of Parliament;
 - (b) a member of the National Assembly for Wales;
 - (c) a member of a local authority ^{F1}...;
 - (d) an officer of a local authority ^{F2}...;
 - (e) a member of a National Park authority for a National Park in Wales;
 - (f) a police and crime commissioner for a police area in Wales; or
 - (g) a member of the Commission's staff.

Textual Amendments

- F1** Words in s. 4(3)(c) omitted (1.4.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 163(6)**, 175(7); S.I. 2021/231, reg. 3(a)
- F2** Words in s. 4(3)(d) omitted (1.4.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 163(6)**, 175(7); S.I. 2021/231, reg. 3(a)

5 Tenure

Members of the Commission hold and vacate office in accordance with their terms and conditions of appointment.

Proceedings

6 Proceedings

- (1) The quorum for meetings of the Commission is 3.
- (2) The Commission may otherwise regulate its own procedure.
- (3) The validity of anything done by the Commission is not affected by any defect in the appointment of a member.

7 Seal and validity of documents

- (1) The Commission may have a seal.
- (2) The application of the seal is authenticated by the signature of a member of the Commission or of another person authorised by the Commission for that purpose.

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- (3) A document purporting to be duly executed under the seal of the Commission, or signed on its behalf by the chief executive or another member of staff authorised to do so, is to be received in evidence and taken to be so executed or signed unless the contrary is proved.

Staff, experts and assistant commissioners

8 Chief executive

- (1) The Commission must employ a chief executive.
- (2) The chief executive is to be appointed by the ^[F3]Commission] on such terms and conditions as ^[F4]it] may determine (including conditions as to remuneration, pension, allowances and expenses).

^[F5](2A) But if the office of chief executive has been vacant for more than six months, the Welsh Ministers may appoint a chief executive on such terms and conditions as they may determine (including conditions as to remuneration, pension, allowances and expenses).]

- (3) Before appointing a chief executive ^[F6]under subsection (2A),] the Welsh Ministers must consult the Commission.

^[F7](4) The chief executive may not be—

- (a) a member of Parliament;
- (b) a Member of the Senedd;
- (c) a member of a local authority;
- (d) an officer of a local authority;
- (e) a member of a National Park authority for a National Park in Wales;
- (f) a police and crime commissioner for a police area in Wales.

- (5) The Commission must, in exercising its functions under this section, have regard to any guidance issued by the Welsh Ministers.]

Textual Amendments

- F3** Word in s. 8(2) substituted (1.4.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), ss. 163\(2\)\(a\)](#), 175(7); S.I. 2021/231, reg. 3(a)
- F4** Word in s. 8(2) substituted (1.4.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), ss. 163\(2\)\(b\)](#), 175(7); S.I. 2021/231, reg. 3(a)
- F5** S. 8(2A) inserted (1.4.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), ss. 163\(3\)](#), 175(7); S.I. 2021/231, reg. 3(a)
- F6** Words in s. 8(3) inserted (1.4.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), ss. 163\(4\)](#), 175(7); S.I. 2021/231, reg. 3(a)
- F7** S. 8(4)(5) inserted (1.4.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), ss. 163\(5\)](#), 175(7); S.I. 2021/231, reg. 3(a)

9 Other staff

- (1) The Commission may employ staff.

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- (2) Staff are to be employed on terms and conditions determined by the Commission (including conditions as to remuneration, pension, allowances and expenses).
- (3) The Commission must consult the Welsh Ministers before determining the amounts payable to its staff in respect of remuneration, pensions, allowances and expenses.

10 Experts

- (1) The Commission may appoint a person (an “expert”) to assist it in the exercise of its functions.
- (2) Before appointing an expert the Commission must consult the Welsh Ministers.
- (3) An appointment under subsection (1) may not be made unless the Commission is satisfied that the expert has knowledge, experience or expertise relevant to the exercise of its functions.
- (4) The Commission may pay the expert such remuneration, allowances or expenses as it may determine.
- (5) The Commission must consult the Welsh Ministers before determining the remuneration or allowances payable to an expert.

11 Assistant commissioners

- (1) The Commission may appoint a person (an “assistant commissioner”) to whom, for the purposes of section 13, it may delegate functions.
- (2) But the Commission may not appoint a person who is—
 - (a) a member of Parliament;
 - (b) a member of the National Assembly for Wales;
 - (c) a member of a local authority ^{F8} ...;
 - (d) an officer of a local authority ^{F9} ...;
 - (e) a member of a National Park authority for a National Park in Wales;
 - (f) a police and crime commissioner for a police area in Wales; or
 - (g) a member of the Commission's staff.
- (3) Before appointing an assistant commissioner the Commission must consult the Welsh Ministers.
- (4) The Commission may pay an assistant commissioner such remuneration, allowances or expenses as it may determine.
- (5) The Commission must consult the Welsh Ministers before determining the remuneration or allowances payable to an assistant commissioner.

Textual Amendments

F8 Words in s. 11(2)(c) omitted (1.4.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 163\(6\)](#), 175(7); S.I. 2021/231, [reg. 3\(a\)](#)

F9 Words in s. 11(2)(d) omitted (1.4.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 163\(6\)](#), 175(7); S.I. 2021/231, [reg. 3\(a\)](#)