

(Introduction – Secretary of State’s explanatory statement in relation to amendment to the Bill that became s.78

This new clause confers power on the Secretary of State, Welsh Ministers and Department for Communities in Northern Ireland to make regulations in relation to meetings of specified local authorities. It may be used, for example, to remove requirements to hold annual meetings, or to allow virtual meetings. It may only be used in relation to meetings taking place before 7 May 2021.)

Coronavirus Act 2020

S 78 Local authority meetings

- (1) The relevant national authority may by regulations make provision relating to—
 - (a) requirements to hold local authority meetings;
 - (b) the times at or by which, periods within which, or frequency with which local authority meetings are to be held;
 - (c) the places at which local authority meetings are to be held;
 - (d) the manner in which persons may attend, speak at, vote in, or otherwise participate in, local authority meetings;
 - (e) public admission and access to local authority meetings;
 - (f) the places at which, and manner in which, documents relating to local authority meetings are to be open to inspection by, or otherwise available to, members of the public.
- (2) The provision which may be made by virtue of subsection (1)(d) includes in particular provision for persons to attend, speak at, vote in, or otherwise participate in, local authority meetings without all of the persons, or without any of the persons, being together in the same place.
- (3) The regulations may make provision only in relation to local authority meetings required to be held, or held, before 7 May 2021.
- (4) The power to make regulations under this section includes power—
 - (a) to disapply or modify any provision of an enactment or subordinate legislation;
 - (b) to make different provision for different purposes;
 - (c) to make consequential, supplementary, incidental, transitional or saving provision.
- (5) In this section the “relevant national authority” means—
 - (a) in relation to local authorities in England, the Secretary of State;
 - (b) in relation to local authorities in Wales, the Welsh Ministers;
 - (c) in relation to local authorities in Northern Ireland, the Department for Communities in Northern Ireland.
- (6) In this section “local authority meeting” means a meeting of—
 - (a) a local authority;
 - (b) an executive of a local authority (within the meaning of Part 1A or 2 of the Local Government Act 2000 or Part 6 of the Local Government Act (Northern Ireland) 2014);

- (c) a joint committee of two or more local authorities;
 - (d) a committee or sub-committee of anything within paragraphs (a) to (c).
- (7) In this section “local authority”, in relation to England, means—
- (a) a county council;
 - (b) a district council;
 - (c) a London borough council;
 - (d) the Common Council of the City of London;
 - (e) the Greater London Authority;
 - (f) the Council of the Isles of Scilly;
 - (g) a parish council;
 - (h) a joint board continued in being by virtue of section 263(1) of the Local Government Act 1972;
 - (i) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984;
 - (j) an authority established under section 10 of the Local Government Act 1985;
 - (k) a joint authority established under Part 4 of the Local Government Act 1985;
 - (l) a joint committee constituted to be a local planning authority under section 29 of the Planning and Compulsory Purchase Act 2004;
 - (m) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
 - (n) 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, or created by an order under section 4A of that Act;
 - (o) a National Park authority established under section 63 of the Environment Act 1995;
 - (p) the Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988;
 - (q) a conservation board established under section 86 of the Countryside and Rights of Way Act 2000;
 - (r) an appeal panel constituted under the School Admissions (Appeals Arrangements) (England) Regulations 2012 (S.I. 2012/9).
- (8) In this section “local authority”, in relation to Wales, means—
- (a) a county council;
 - (b) a county borough council;
 - (c) a community council;
 - (d) a joint board continued in being by virtue of section 263(1) of the Local Government Act 1972;
 - (e) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984;

- (f) a joint committee constituted to be a local planning authority under section 29 of the Planning and Compulsory Purchase Act 2004;
 - (g) a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004;
 - (h) 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;
 - (i) a National Park authority established under section 63 of the Environment Act 1995;
 - (j) an appeal panel constituted under the Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (S.I. 2005/1398).
- (9) In this section “local authority”, in relation to Northern Ireland, means a district council.
- (10) In this section—
- “enactment” includes—
- (a) an enactment comprised in an Act or Measure of the National Assembly for Wales;
 - (b) an enactment comprised in Northern Ireland legislation;
- “subordinate legislation” means—
- (a) subordinate legislation within the meaning of the Interpretation Act 1978;
 - (b) an instrument made under an Act or Measure of the National Assembly for Wales;
 - (c) an instrument made under Northern Ireland legislation.
- (11) Regulations under this section made by the Secretary of State or the Welsh Ministers are to be made by statutory instrument.
- (12) A statutory instrument containing regulations under this section made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) A statutory instrument containing regulations under this section made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (14) The power of the Department for Communities in Northern Ireland to make regulations under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (and not by statutory instrument).
- (15) Regulations under this section made by the Department for Communities in Northern Ireland are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.