



# Local Government (Democracy) (Wales) Act 2013

2013 anaw 4

## 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.

#### *Members*

#### **4 Membership**

- (1) The Commission consists of—

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- (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 in Wales;
  - (d) an officer of a local authority in Wales;
  - (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.

## **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.
- (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 Welsh Ministers on such terms and conditions as they may determine (including conditions as to remuneration, pension, allowances and expenses).
- (3) Before appointing a chief executive the Welsh Ministers must consult the Commission.

## **9 Other staff**

- (1) The Commission may employ staff.
- (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 in Wales;
  - (d) an officer of a local authority in Wales;
  - (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.

*General powers and directions*

**12 Powers**

- (1) The Commission may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of its functions.
- (2) But the Commission may not—
- (a) borrow money;
  - (b) acquire land or other property without the consent of the Welsh Ministers; or
  - (c) form and promote companies.

**13 Delegation**

- (1) The Commission may delegate to one or more of its members or an assistant commissioner such of its functions under Chapters 2 to 4, 6 or 7 of Part 3 (functions relating to the conduct of reviews of local government or local inquiries) as it may determine to the extent so delegated.
- (2) Subsection (1) does not affect the Commission's—
- (a) responsibility for exercise of delegated functions, or
  - (b) ability to exercise delegated functions.

**14 Directions**

- (1) The Commission must comply with any direction (general or specific) given to it by the Welsh Ministers.
- (2) A direction given by the Welsh Ministers under this Act may be varied or revoked by a subsequent direction.

*Financial matters*

**15 Funding**

- (1) The Welsh Ministers may pay grants to the Commission of such amounts as they may determine.
- (2) A grant is made subject to any conditions specified by the Welsh Ministers (including conditions about repayment).

**16 Accounting officer**

- (1) The Welsh Ministers must designate a person to act as the Commission's accounting officer.
- (2) The accounting officer has, in relation to the Commission's accounts and finances, the responsibilities specified in a direction by the Welsh Ministers.

- (3) The responsibilities that may be specified include—
- (a) responsibilities in relation to the signing of accounts;
  - (b) responsibilities for the propriety and regularity of the Commission’s finances;
  - (c) responsibilities for the economy, efficiency and effectiveness with which the Commission uses its resources;
  - (d) responsibilities owed to the Welsh Ministers, the National Assembly for Wales or the Public Accounts Committee of the National Assembly;
  - (e) responsibilities owed to the House of Commons or the Committee of Public Accounts of that House.

## **17 Audit committee**

- (1) The Commission must establish a committee (an “audit committee”) to—
- (a) review and scrutinise the Commission’s financial affairs,
  - (b) review and assess the Commission’s risk management, internal control and corporate governance arrangements,
  - (c) review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Commission’s functions, and
  - (d) make reports and recommendations to the Commission in relation to reviews conducted under paragraphs (a), (b) or (c).
- (2) The audit committee must send copies of its reports and recommendations to the Welsh Ministers.
- (3) It is for the audit committee to determine how to exercise its functions under this section.

## **18 Audit committee: membership**

- (1) The audit committee is to consist of—
- (a) at least two members of the Commission, and
  - (b) at least one lay member.
- (2) The Commission’s chairing member may not be a member of the audit committee.
- (3) The Commission may pay such remuneration, allowances and expenses to a lay member as it may determine.
- (4) The Commission must consult the Welsh Ministers before determining the remuneration or allowances payable to a lay member.
- (5) In this section “lay member” means any person other than—
- (a) a member or an employee of the Commission, or
  - (b) an expert appointed under section 10(1) or assistant commissioner appointed under section 11(1).

## **19 Accounts and external audit**

- (1) The Commission must for each financial year—
- (a) keep proper accounts and proper records in relation to them, and
  - (b) prepare a statement of accounts.

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- (2) Each statement of accounts must comply with any directions given by the Welsh Ministers as to—
  - (a) the information to be contained in it,
  - (b) the manner in which the information is to be presented,
  - (c) the methods and principles according to which the statement is to be prepared.
- (3) No later than 31 August after the end of each financial year the Commission must submit its statement of accounts to—
  - (a) the Welsh Ministers, and
  - (b) the Auditor General for Wales.
- (4) The Auditor General for Wales must—
  - (a) examine, certify and report on the statement of accounts, and
  - (b) no later than 4 months after the statement was submitted, lay before the National Assembly for Wales a copy of the certified statement and report.
- (5) In this section, “financial year” means the period of 12 months ending on 31 March.

## **20 Annual reports**

- (1) No later than 30 November after the end of each financial year the Commission must submit a report to the Welsh Ministers on the discharge of its functions during that year.
- (2) The Welsh Ministers must publish the report and lay a copy before the National Assembly for Wales.
- (3) In this section, “financial year” has the same meaning as in section 19.