2014 CHAPTER 8

PART 11

GENERAL POWERS OF COUNCILS

Powers to make supplemental provision

82.—(1) If the Department thinks that a statutory provision (whenever passed or made) prevents or restricts councils from exercising the general power, the Department may by order amend, repeal, revoke or disapply that provision.

(2) If the Department thinks that the general power is overlapped (to any extent) by another power it shall seek to remove or reduce that overlap, taking into account the views of the bodies exercising the overlapping powers.

(3) For the purposes of subsection (2) the Department may by order amend, repeal, revoke or disapply any statutory provision (whenever passed or made).

(4) The Department may by order make provision preventing councils from doing, in exercise of the general power, anything which is specified, or is of a description specified, in the order.

(5) The Department may by order provide for the exercise of the general power by councils to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the order.

(6) Before the Department makes an order under this section it must consult—

(a) such associations or bodies representative of councils;

(b) such associations or bodies representative of officers of councils; and

(c) such other persons or bodies,

as appear to the Department to be appropriate.

(7) If, following consultation under subsection (6), the Department proposes to make an order under this section it must lay before the Assembly a document explaining the proposals and, in particular—

(a) setting them out in the form of a draft order; and

(b) giving details of consultation under subsection (6).

(8) Where a document relating to proposals is laid before the Assembly under subsection (7), no draft of an order under this section to give effect to the proposals (with or without modification) is to be laid before the Assembly until after the expiry of the statutory period beginning with the day on which the document was laid.

(9) In preparing a draft order under this section the Department must consider any representations made during the period mentioned in subsection (8).

(10) A draft order laid before the Assembly in accordance with section 127(3) must be accompanied by a statement of the Department giving details of—

(a) any representations considered in accordance with subsection (9); and

(b) any changes made to the proposals contained in the document laid before the Assembly under subsection (7).