

Draft Order laid before Parliament under section 150(5) of the Government of Wales Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No.

CONSTITUTIONAL LAW

DEVOLUTION, WALES

LOCAL GOVERNMENT, WALES

**The Local Government and Elections (Wales) Act 2021
(Corporate Joint Committees) (Consequential Amendments)
Order 2023**

Made - - - -

Coming into force

1st April 2023

The Secretary of State, in exercise of the powers conferred by section 150(1) and (2) of the Government of Wales Act 2006(a), makes the following Order.

In accordance with section 150(5) of that Act, a draft of this Order was laid before Parliament and was approved by a resolution of each House of Parliament.

Citation, extent and commencement

1.—(1) This Order may be cited as the Local Government and Elections (Wales) Act 2021 (Corporate Joint Committees) (Consequential Amendments) Order 2023.

(2) An amendment made by this Order has the same extent as the provision amended.

(3) This Order comes into force on 1st April 2023.

Amendment of National Loans Act 1968

2. In paragraph 1(a) of Schedule 4 to the National Loans Act 1968(b) (local loans), in paragraph (a) of the definition of “local authority”, after sub-paragraph (ia) insert—

“(ib) a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);”.

Amendment of Local Government Act 1972

3. In section 119(c) of the Local Government Act 1972(d) (payments due to deceased officers), after subsection (4) insert—

“(5) In this section, references to a local authority include a corporate joint committee.”.

Amendment of Income Tax Act 2007

4. In section 999(1)(e) of the Income Tax Act 2007(f) (meaning of “local authority”), after paragraph (e) insert—

“(ea) a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);”.

Amendment of Corporation Tax Act 2010

5. In section 1130(1) of the Corporation Tax Act 2010(g) (meaning of “local authority”), after paragraph (e) insert—

“(ea) a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);”.

Amendment of Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999

6. In section 1 of Schedule 1(h) to the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999(i) (employment to which the Order applies: local government), after paragraph 23 insert—

“24. A corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);”.

-
- (a) Paragraph 1(a) of Schedule 4 was substituted (from 1 April 1990) by article 8 of, and paragraph 12 of Schedule 3 to, the Local Government Finance (Repeals, Savings and Consequential Amendments) Order 1990 (S.I. 1990/776). Sub-paragraph (ia) (along with sub-paragraph (i)) of paragraph (a) was substituted (from 2 November 1992) for the previous sub-paragraph (i) by section 117(1) of, and paragraph 26 of Schedule 13 to, the Local Government Finance Act 1992 (c. 14). Paragraph (a) was subsequently amended as follows: (from 1 April 1995) by section 93 of, and Part 1 of Schedule 9 to, the Police and Magistrates’ Courts Act 1994 (c. 29); (from 3 July 2000) by section 139(1) of the Greater London Authority Act 1999 (c. 29); (from 1 April 2001) by section 83(3) of, and paragraph 2 of Schedule 12 to, the Access to Justice Act 1999 (c. 22). Sub-paragraph (ia) was subsequently substituted, and sub-paragraph (ii) was amended, by section 53(1) of, and paragraph 22 of Schedule 1 to, the Fire and Rescue Services Act 2004 (c. 21) (from 1 October 2004 in relation to England and from 10 November 2004 in relation to Wales). Paragraph 1(a) was amended (from 1 April 2005) by section 109(1) of, and paragraph 127 of Schedule 8 to, the Courts Act 2003 (c. 39). There are other amendments not relevant to this Order.
- (b) 1968 c. 13.
- (c) Article 2(i) of the Administration of Estates (Small Payments) (Increase of Limits) Order 1984 (S.I. 1984/539) provides that subsection (1) of section 119 is to have effect as if the amount referred to in that subsection is £5000 (from 11 April 1984). Subsection (2) of section 119 was amended by section 86(2) of, and Schedule 11 to, the Social Security Act 1986 (c. 50) (from 6 April 1987). “Corporate joint committee” is defined in section 270(1) of the Local Government Act 1972.
- (d) 1972 c. 70.
- (e) There are amendments to section 999 which are not relevant to this Order.
- (f) 2007 c. 3.
- (g) 2010 c. 4.
- (h) There are amendments to section 1 of Schedule 1 which are not relevant to this Order.
- (i) S.I. 1999/2277.

Amendment of Local Government Pension Scheme Regulations 2013

7.—(1) The Local Government Pension Scheme Regulations 2013(a) are amended as follows.

(2) In Part 1 of Schedule 2 (scheme employers), after paragraph 24(b) insert—

“25. The North Wales Corporate Joint Committee (established by the North Wales Corporate Joint Committee Regulations 2021 (S.I. 2021/339 (W. 93))).

26. The Mid Wales Corporate Joint Committee (established by the Mid Wales Corporate Joint Committee Regulations 2021 (S.I. 2021/342 (W. 96))).

27. The South East Wales Corporate Joint Committee (established by the South East Wales Corporate Joint Committee Regulations 2021 (S.I. 2021/343 (W. 97))).

28. The South West Wales Corporate Joint Committee (established by the South West Wales Corporate Joint Committee Regulations 2021 (S.I. 2021/352 (W. 104))).”

(3) In Schedule 3 (administering authorities), in the table in Part 2(c) (appropriate administering authorities for categories of scheme members), at the end insert—

“An employee of the North Wales Corporate Joint Committee	Gwynedd Council
An employee of the Mid Wales Corporate Joint Committee	Powys County Council
An employee of the South East Wales Corporate Joint Committee	Rhondda Cynon Taf County Borough Council
An employee of the South West Wales Corporate Joint Committee	Carmarthenshire County Council”

Address
Date

Name
Parliamentary Under Secretary of State
Wales Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 150 of the Government of Wales Act 2006 which, among other things, allows the Secretary of State to make provision in consequence of Assembly Measures, Acts of the Assembly, Acts of Senedd Cymru, and subordinate legislation made under those (the name of the National Assembly for Wales was changed to Senedd Cymru or the Welsh Parliament with effect from 6 May 2020 by the Senedd and Elections (Wales) Act 2020 (anaw 1)).

Part 5 of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) allows the Welsh Ministers to establish by regulations corporate bodies known as “corporate joint committees”, for the purpose of exercising specified functions in relation to the areas of two or more county or county borough councils in Wales. Section 77 of the 2021 Act requires that the executive leaders of the county and county borough councils within the area covered by the corporate joint committee must be made members of the committee.

Four corporate joint committees have been established by regulations made under Part 5 of the 2021 Act: the North Wales Corporate Joint Committee, the Mid Wales Corporate Joint

(a) S.I. 2013/2356.

(b) Paragraph 24 was substituted for the previous paragraph 24 and for paragraph 25 by regulation 29 of the Local Government Pension Scheme (Amendment) Regulations 2015 (S.I. 2015/755), in accordance with regulation 1(2) of those Regulations.

(c) There are amendments to Part 2 of Schedule 3 which are not relevant to this Order.

Committee, the South East Wales Corporate Joint Committee and the South West Wales Corporate Joint Committee.

This Order makes amendments in consequence of the power conferred on the Welsh Ministers by Part 5 of the 2021 Act to establish corporate joint committees.

Article 2 adds corporate joint committees to the definition of “local authority” in paragraph 1(a) of Schedule 4 to the National Loans Act 1968. The effect is that the Treasury may give loans to corporate joint committees out of the National Loans Fund. Corporate joint committees have the power to borrow money under section 1 of the Local Government Act 2003 (c. 26). Part 1 of the Local Government Act 2003 was applied to corporate joint committees by regulation 4 of, and paragraph 1 of Schedule 2 to, the Corporate Joint Committees (General) (Wales) Regulations 2021 (S.I. 2021/327 (W. 85)).

Article 3 amends section 119 of the Local Government Act 1972 so that the section applies to corporate joint committees in the same way it applies to county and county borough councils in Wales. The effect is that a corporate joint committee will be able to pay money owed to a deceased member of its staff without requiring a grant of probate or letters of administration, providing that the sum does not exceed £5000 and does not fall within certain categories of payment mentioned in subsection (1) of section 119. “Corporate joint committee” is defined for the purposes of the Local Government Act 1972 in section 270 of that Act.

Article 4 adds corporate joint committees to the definition of “local authority” in section 999(1) of the Income Tax Act 2007, which is the definition of “local authority” for the purposes of the Income Tax Acts. Section 838 of the Income Tax Act 2007, which provides that a local authority in the United Kingdom is not liable to income tax in respect of its income, will therefore apply to corporate joint committees.

Article 5 adds corporate joint committees to the definition of “local authority” in section 1130(1) of the Corporation Tax Act 2010, which is the definition of “local authority” for the purposes of the Corporation Tax Acts. Section 984 of the Corporation Tax Act 2010, which provides that a local authority in the United Kingdom is not liable to corporation tax, will therefore apply to corporate joint committees.

Article 6 adds corporate joint committees to the lists of bodies set out in the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 (“the 1999 Order”). As a result, employment by a corporate joint committee and employment by one or more of the other bodies listed in the 1999 Order is in certain circumstances to be treated as continuous employment for the purposes of calculating a person’s entitlement to a redundancy payment under the Employment Rights Act 1996 (c. 18). The 1999 Order also provides that, subject to certain conditions, a person who would otherwise have been made redundant (and therefore would potentially be entitled to a statutory redundancy payment) by a body listed in that Order will not be redundant if that person is offered employment by another body listed in that Order.

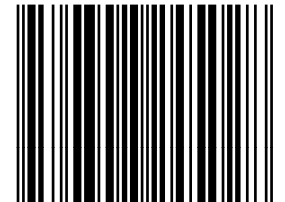
Article 7 amends the Local Government Pension Scheme Regulations 2013 (“the 2013 Regulations”). Article 7(2) adds the four corporate joint committees which have been established to the list of bodies in Part 1 of Schedule 2 to the 2013 Regulations. The effect is that employees of those corporate joint committees will, subject to certain conditions, be eligible to be members of the pension scheme established by the 2013 Regulations. Article 7(3) amends the table in Part 2 of Schedule 3 to the 2013 Regulations, so as to specify which is the appropriate administering authority in relation to each of the four corporate joint committees.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

£4.90

<http://www.legislation.gov.uk/id/ukdsi/2023/9780348245028>

ISBN 978-0-34-824502-8



9 780348 245028