



Local Government (Wales) Act 1994

1994 CHAPTER 19

PART III

DECENTRALISATION AND JOINT WORKING

Joint working

34 Joint authorities.

- (1) Where a direction has been given by the Secretary of State under section 33 but it appears to him that—
 - (a) it has proved impracticable to implement the arrangements required by the direction,
 - (b) the required arrangements have been implemented but are not working satisfactorily, or
 - (c) the required arrangements are, or have been, working satisfactorily but are unlikely to continue to work satisfactorily,he may by order establish a body to act for the areas of the councils to which the direction relates.
- (2) A body established under subsection (1) shall be known as a joint authority and may be established as a body corporate.
- (3) A joint authority shall consist of such number of members as may be determined by the order establishing it.
- (4) Those members shall be appointed by the councils to which the order relates, from among their members, each council being entitled to appoint such number of members as may be specified in the order.
- (5) Where at any time the number of members of a joint authority is less than the required number, the Secretary of State may, if he is satisfied that the councils concerned have had a reasonable opportunity to make the necessary appointment or appointments—

Status: Point in time view as at 03/04/1995.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Act 1994, Section 34. (See end of Document for details)

- (a) give such direction to the councils concerned or to any of them as he considers appropriate; and
 - (b) appoint such members (from among such persons as he considers appropriate) as may be required to complete the membership of the authority.
- (6) The joint authority shall discharge the functions to which the direction relates, from a date specified in the order establishing the authority until such alternative arrangements for the exercise of the functions as appear to the Secretary of State to be satisfactory are brought into force.
- (7) The power conferred on the Secretary of State by subsection (1) may not be exercised after 31st March 1999 but an order under subsection (1) which is made before that date shall continue in force until revoked by the Secretary of State.
- (8) An order under this section may—
 - (a) provide for the joint authority concerned to be treated, for all purposes or only for the purposes of such enactments as may be prescribed, as a new principal council;
 - (b) provide for such enactments relating to new principal councils as may be prescribed (either generally or by reference to specified enactments) to have effect in relation to the joint authority concerned subject to such modifications as may be prescribed;
 - (c) make provision enabling the Secretary of State to require the joint authority concerned to submit to him a scheme for winding itself up and for the transfer to any of the councils for whose areas the joint authority is established of any of the joint authority's property, rights and liabilities or of any functions which it carries out.
- (9) The Secretary of State may by order provide—
 - (a) for excluding any functions, or any functions in any area, from those falling to be carried out by a joint authority; and
 - (b) for giving effect (with or without modifications) to any scheme submitted to him under a provision made by virtue of subsection (8) for the dissolution of a joint authority.
- (10) The power to make an order under this section includes, in particular, power to make provision for the transfer of property, rights and liabilities.

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