



# Local Government Byelaws (Wales) Act 2012

2012 anaw 2

*Procedure for byelaws*

VALID FROM 31/03/2015

## **6 Byelaws not requiring confirmation**

- (1) This section applies to byelaws made by a legislating authority under the enactments listed in Part 1 of Schedule 1, including byelaws which amend or revoke byelaws previously made by it.
- (2) Before it makes a byelaw, an authority must –
  - (a) publish on the authority's website an initial written statement which describes the issue which the authority thinks may be addressed by making a byelaw;
  - (b) consult any person (including, where applicable, a community council) who the authority thinks is likely to be interested in, or affected by, the issue.
- (3) Following the consultation, the authority must consider the responses and decide whether making a byelaw is the most appropriate way of addressing the issue.
- (4) The authority must then publish on its website a second written statement which contains –
  - (a) the initial written statement;
  - (b) a summary of the consultation and the responses;
  - (c) its decision;
  - (d) the reasons for that decision.
- (5) At least six weeks before the byelaw is made, notice of the intention to make the byelaw must be published –

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- (a) in one or more local newspapers circulating in the area to which the byelaw is to apply;
  - (b) on the authority's website.
- (6) For at least six weeks before making the byelaw, the authority must ensure that –
- (a) a draft of the byelaw is published on the authority's website;
  - (b) a copy of the draft is deposited at a place in the authority's area;
  - (c) a copy is open to public inspection at all reasonable hours without payment;
  - (d) where applicable, a copy is sent to all community councils whose areas the authority thinks are likely to be affected by the byelaw.
- (7) The authority must give a copy of the draft byelaw to any person who applies for it, subject to that person paying such reasonable fee charged by the authority (if any).
- (8) An authority may not make a byelaw later than six months after the date of the notice under subsection (5).

VALID FROM 31/03/2015

## **7 Byelaws requiring confirmation**

- (1) This section applies to byelaws made by a legislating authority under any enactment other than those listed in Part 1 of Schedule 1, including byelaws which amend or revoke byelaws previously made by it.
- (2) But this section does not apply to the extent that the enactment conferring the power to make a byelaw makes different provision in relation to one or more of the following –
- (a) a requirement to submit byelaws for confirmation;
  - (b) publication of a notice of intent to make the byelaw;
  - (c) publication of the byelaw;
  - (d) making copies of the byelaw available.
- (3) Before it makes a byelaw to which this section applies, an authority must –
- (a) publish on the authority's website an initial written statement which describes the issue which the authority thinks may be addressed by making a byelaw;
  - (b) consult any person (including, where applicable, a community council) who the authority thinks is likely to be interested in, or affected by, the issue.
- (4) Following the consultation, the authority must consider the responses and decide whether making a byelaw is the most appropriate way of addressing the issue.
- (5) The authority must then publish on its website a second written statement which contains –
- (a) the initial written statement;
  - (b) a summary of the consultation and the responses;
  - (c) its decision;
  - (d) the reasons for that decision.

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- (6) Byelaws made by the legislating authority must be submitted to the confirming authority and do not have effect unless and until they are confirmed by the confirming authority.
- (7) At least six weeks before the byelaw is submitted for confirmation, notice of the legislating authority's intention to do so must be published –
  - (a) in one or more local newspapers circulating in the area to which the byelaw is to apply;
  - (b) on the authority's website.
- (8) For at least six weeks before the byelaw is submitted for confirmation, the legislating authority must ensure that –
  - (a) the byelaw is published on the authority's website;
  - (b) a copy of the byelaw is deposited at a place in the authority's area (and, in the case of a byelaw made by the Countryside Council for Wales under the National Parks and Access to the Countryside Act 1949, at a place in the area of each council of a county or county borough to whose area the byelaw applies);
  - (c) where applicable, a copy is sent to all community councils whose area the authority thinks is likely to be affected by the byelaw;
  - (d) a copy is open to public inspection at all reasonable hours without payment.
- (9) The legislating authority must give a copy of the byelaw to any person who applies for it, subject to that person paying such reasonable fee charged by the authority (if any).
- (10) The confirming authority may confirm, or refuse to confirm, any byelaw submitted to it under this section.
- (11) For the purposes of this Act, the confirming authority is –
  - (a) the person specified in the enactment under which the byelaws are made as the person who is to confirm the byelaws, or
  - (b) if no person is specified, the Welsh Ministers.
- (12) The functions of the Welsh Ministers under subsection (11)(b) are exercisable concurrently with the Secretary of State.

VALID FROM 31/03/2015

## **8 Formalities, commencement and publication of byelaws**

- (1) This section applies to byelaws made by a legislating authority under any enactment.
- (2) But this section does not apply to the extent that the enactment conferring the power to make the byelaw makes different provision in relation to one or more of the following –
  - (a) signature or sealing of the byelaw;
  - (b) publication of the byelaw;
  - (c) making copies of the byelaw available.

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- (3) Byelaws made by a legislating authority must be made under the common seal of the authority, or, in the case of byelaws made by a community council not having a seal, signed by two members of the council.
- (4) Byelaws come into effect on the date fixed by the legislating authority, or if they require confirmation, by the confirming authority. If no date is fixed, they come into effect at the end of one month from the date they are made (or confirmed, as applicable).
- (5) The legislating authority which makes the byelaw must –
  - (a) publish the byelaw on the authority's website when made, or if it requires confirmation, when confirmed;
  - (b) deposit a copy of the byelaw at a place in the authority's area;
  - (c) ensure that the copy is open to public inspection at all reasonable hours without payment;
  - (d) give a copy of the byelaw to a person who requests it, subject to that person paying such reasonable fee charged by the authority (if any).
- (6) The proper officer of a county borough council or county council must send a copy of a byelaw once made, or where required once confirmed, to the proper officer of the council of every community to which the byelaw applies.
- (7) In the case of byelaws made by a National Park authority, the proper officer of the authority must send a copy of a byelaw once made, or where required once confirmed, to the proper officer of –
  - (a) the council for every county borough or county whose area includes the whole or part of the National Park;
  - (b) the council of every community whose area includes the whole or part of the National Park.
- (8) In the case of byelaws made by the Countryside Council for Wales under the National Parks and Access to the Countryside Act 1949, the Council must ensure that it sends a copy of a byelaw once made, or where required once confirmed, to the proper officer of –
  - (a) the council of every county borough or county to whose area the byelaw applies;
  - (b) the council of every community to whose area the byelaw applies.
- (9) The proper officer of the community council must –
  - (a) arrange for a copy of a byelaw sent to the officer to be deposited with the public documents of the community;
  - (b) ensure that the copy is open to public inspection at all reasonable hours without payment.
- (10) In subsections (6) to (9) the “proper officer” is the officer duly authorised for that purpose by that body.

## 9 Power to amend Part 1 of Schedule 1

The Welsh Ministers may by order amend Part 1 of Schedule 1 (byelaws not requiring confirmation) by adding to or subtracting from the list of enactments, or by amending the type of authority that may make byelaws without confirmation.

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### Commencement Information

**II** S. 9 in force at 15.8.2014 by S.I. 2014/2121, art. 2(a)

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