

LOCAL GOVERNMENT BYELAWS (WALES) ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 6 – Byelaws not requiring confirmation

8. **Section 6** prescribes the alternative procedure for a legislating authority to make a byelaw which will not require confirmation by the Welsh Ministers. This section applies to byelaws made by a legislating authority pursuant to any of the enactments specified in Part 1 of Schedule 1 to the Act.
9. This section also specifies that a byelaw made by a legislating authority to amend or revoke an existing byelaw made under an enactment listed in Part 1 of Schedule 1 to the Act is subject to the provisions of section 6 of the Act and as a consequence does not require confirmation by the Welsh Ministers.
10. There are three stages to the procedure:
 - Initial written statement and consultation with interested persons;
 - Publication of decision and draft byelaws, as appropriate; and
 - Making and the coming into effect of byelaws.
11. Before making byelaws, a legislating authority must produce and publish an initial written statement which describes the issue which the legislating authority thinks may be addressed by making byelaws. The legislating authority must consult persons (including a community council where applicable) likely to be interested in, or affected by, the issue and, following consultation, to decide whether making byelaws is the most appropriate way forward. It is intended that guidance will emphasise that a legislating authority should keep an open mind as to whether a byelaw is the most appropriate way forward, prior to consultation.
12. The legislating authority must then publish a second written statement which contains the initial written statement, a summary of consultation responses, details of the decision reached following the conclusion of the consultation exercise and the rationale for that decision.
13. Where a legislating authority decides to make byelaws, it must give notice of its intention at least 6 weeks before the byelaws are made in one or more local newspapers circulating in the area to which the byelaws apply. The legislating authority must also publish this notice by placing it on the legislating authority's website, if a website is available. The legislating authority must also for at least 6 weeks prior to making byelaws publish the draft byelaws on the website of the legislating authority, place a copy on deposit at a place in the area of the legislating authority and ensure that a copy is open to public inspection at all reasonable hours without payment. The legislating authority, where applicable, must also ensure that a copy of the byelaw is sent to all community councils whose areas the legislating authority thinks are likely to be affected

*These notes refer to the Local Government Byelaws (Wales) Act
2012 (c.2) which received Royal Assent on 29 November 2012*

by the byelaw. The byelaw must be made no later than 6 months after the date on which the legislating authority gave notice of its intention to do so.

14. The legislating authority is required to publish the initial written statement, second written statement, notice of intention to make the byelaw and the draft byelaw on its website (if it has one).
15. A legislating authority may charge a reasonable fee for providing a copy of draft byelaws to any person.