

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 of Schedule 11: Transition committees of merging councils and restructuring councils

Paragraph 1 - Restraining transactions and recruitment etc. by direction

616. The Welsh Ministers may direct a merging council or a restructuring council not to undertake a “restricted activity” without considering the opinion of a person specified in the direction, or (as the case may be) without obtaining the written consent of a person specified in the direction. The persons who may be specified in the direction are such persons (including authorities) as the Welsh Ministers consider appropriate, which may include the Welsh Ministers themselves, transition committees and shadow councils (see paragraph 2(2)).
617. [Paragraph 1\(2\)](#) describes the restricted activities in respect of which directions under this Schedule can be issued.
618. [Paragraph 1\(3\)](#) enables the Welsh Ministers to direct a merging council or a restructuring council seeking to appoint or designate a person to a “restricted post” to comply with specified requirements about the appointment or designation; the “restricted posts” are set out in paragraph 1(4).
619. [Paragraph 1\(5\)](#) requires a merging council or a restructuring council to provide details of a proposal to carry out a restricted activity to the person specified in a direction under sub-paragraph (1), and to provide the Welsh Ministers with details of a proposal to appoint or designate a person to a restricted post where a direction has been given under sub-paragraph (3).
620. [Paragraph 1\(6\)](#) requires a merging council or a restructuring council to publish its reasons for determining to proceed with a restricted activity when the person specified in a direction, which imposes the requirement in sub-paragraph (1)(a), has given the opinion that it would not be appropriate for the merging council or restructuring council to do so.