

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9: Miscellaneous

Section 159 – Information sharing

686. Subsection (1) provides that, for the purposes of carrying out a specified function in relation to a principal council, a member of the information sharing group may request information or a document (“document” is defined in subsection (9)) from another member of the information sharing group.
687. Subsection (2) provides that the latter member is required to comply with such a request if the information or document was obtained or created in the exercise of that member’s specified functions, and if it is reasonably practicable to provide the information or document. The members of the information sharing group, and the specified functions of each member are set out in the table.
688. Subsection (3) confers a power on members of the information sharing group to provide information to the Auditor General or the Welsh Ministers for the purpose of exercising their functions under Part 4, Chapter 1 of Part 6 and Chapter 2 of Part 7 of the Act, if the Auditor General or the Welsh Ministers have requested the information or document. However, this power is conferred upon a member of the information sharing group only where the member is under no duty, and has no other power, to provide the information or document to the Auditor General or the Welsh Ministers.
689. The Welsh Ministers may make regulations to amend the table listing the members of the information sharing group and their specified functions. Before making any regulations to amend the table, the Welsh Ministers must consult with such persons (“persons” includes bodies – see Schedule 1 to the Legislation (Wales) Act 2019) representing principal councils as the Ministers think appropriate, the Auditor General, the person to whom a new or amended entry will relate and the person to whom an entry to be omitted relates.
690. Subsection (10) partially repeals section 33 of the 2009 Measure, which provides for the sharing of information and documents between certain regulators and overlaps to some extent with the provisions of this section.
691. This partial repeal retains the provisions relating to the sharing of information and documents in connection with the functions of the Auditor General under sections 17 and 19 of the 2009 Measure.
692. The full repeal of section 33 will be subsequently carried out by section 113 of the Act, which will also repeal subsection (10) of section 159 as that subsection will be redundant after section 33 of the 2009 Measure is fully repealed.

*These notes refer to the Local Government and Elections (Wales)
Act 2021 (c.1) which received Royal Assent on 20 January 2021*

693. See section 175(1)(g) and the explanatory note to that section about the coming into force of section 159. Section 113 is to be brought into force by order.