

# **LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2: General Power Of Competence**

##### *Chapter 1: The General Power*

##### *Section 25 – Boundaries of the general power*

168. This section sets out the boundaries of the general power.
169. The general power does not provide qualifying local authorities with the ability to bypass existing prohibitions, limitations or restrictions in legislation passed by the Senedd or UK Parliament on, or before, the day on which this section comes into force.
170. Nor will the general power provide qualifying local authorities with the ability to bypass prohibitions, limitations or restrictions in legislation passed by the Senedd or UK Parliament after this section comes into force, if that legislation states that it applies to:
- the general power;
  - all of the qualifying local authority's powers; or
  - all of the qualifying local authority's powers except for certain powers, and the general power is not listed as one of the excepted powers.
171. Subsection (3) prevents a qualifying local authority from using the general power to delegate or contract out any of its functions or to alter its governance arrangements. These matters remain subject to separate statutory provision.