

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: General Power Of Competence

Chapter 1: The General Power

Section 28 – Power to make supplementary provision

180. [Section 28\(1\)](#) provides the Welsh Ministers with a power to make regulations removing or changing statutory provisions that they think prevent qualifying local authorities from using the general power, or obstruct them when using the general power.
181. Subsection [\(2\)](#) enables the Welsh Ministers to make regulations removing overlaps between the general power and other powers (although the effect of subsection [\(9\)\(a\)](#) is that they cannot achieve this by revising or cutting back the general power itself).
182. Subsections [\(3\)](#) and [\(4\)](#) allow the Welsh Ministers to make regulations restricting what a qualifying local authority may do under the general power, or making its use subject to conditions.
183. The Welsh Ministers may make regulations under this section in respect of all qualifying local authorities, specific qualifying local authorities, or a type of qualifying local authority.
184. The effect of subsections [\(7\)](#) and [\(8\)](#) is that before exercising any of these powers, the Welsh Ministers must consult with whichever qualifying local authorities they consider appropriate, any representatives of principal councils and community councils they consider appropriate, and any other persons they consider appropriate.
185. The duty to consult does not apply in respect of any regulations which merely amend earlier regulations so as to:
 - extend their application to a specific authority or group of authorities;
 - reduce their application so they stop applying to a specific authority or group of authorities.