

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Collaborative Working by Principal Councils

Chapter 3: Establishing corporate joint committees where request has been made

Section 72 – Requested joint committee regulations

384. This section gives the Welsh Ministers a regulation making power to establish a body corporate, called a “corporate joint committee”, in response to an application under section 70. The corporate joint committee will exercise the function or functions specified in the regulations in relation to the areas of the councils that made the application (called the “relevant councils”).
385. Subsection (3) limits the type of functions that can be specified in the regulations; they can only be functions of the relevant councils or the economic well-being function (see section 76).
386. Subsection (4) requires that where regulations specify the former type of function, they must also state whether the function is to be exercised by the corporate joint committee instead of by the relevant councils, or whether it is to be exercised concurrently by the corporate joint committee and the relevant councils. If the function is to be exercised concurrently, it means that the corporate joint committee and a principal council may both exercise the function separately in relation to the principal council’s area.
387. An example of where subsection (5) would be relevant is where a principal council has a function under which a variety of things may be done, but a corporate joint committee is to be empowered to do only some of those things. The regulations may specify a function by means of specifying the particular things the corporate joint committee may do.
388. The Welsh Ministers will only be able to make regulations under this section if the conditions in section 73 are satisfied.
389. Regulations made under this section are referred to in this Part as “joint committee regulations” (as are regulations made under section 74).