

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Collaborative Working by Principal Councils

Chapter 5: Further provision relating to corporate joint committees and joint committee regulations

Section 78 – Application by principal councils to amend or revoke joint committee regulations

403. Under this section the principal councils of a corporate joint committee may collectively make an application to the Welsh Ministers, asking them to consider making regulations under section 80 to amend or revoke the joint committee regulations which established the committee, whether made under section 72 or section 74. However, subsection (2) subjects applications under this section to certain restrictions.
404. The restrictions in paragraph (a) of subsection (2) relate both to applications to amend joint committee regulations which were made under section 72 and to applications to amend joint committee regulations which were made under section 74. An application may only ask for a new function to be specified in the joint committee regulations (so the function would become exercisable by the committee) if it is a function of the councils making the application or the economic well-being function.
405. The restrictions in paragraph (b) relate only to applications to amend joint committee regulations which were made under section 74. An application cannot ask for a function to be removed from the joint committee regulations (so it would no longer be exercisable by the committee), or modified, if it is a function which relates to transport or improving education.
406. Paragraph (b) also provides that an application cannot ask for the function of preparing a strategic development plan to be removed from joint committee regulations made under section 74. That function is set out in Part 6 of the Planning and Compulsory Purchase Act 2004, as amended by Schedule 9 to this Act; the function may not be modified under section 80 in any case.
407. Paragraph (b) also provides that an application cannot ask for the economic well-being function to be removed from joint committee regulations made under section 74. That function is set out in section 76; it may not be modified under section 80 in any case.
408. The power in section 80 may be used to amend joint committee regulations to impose prohibitions, restrictions or other limitations on the exercise of the economic well-being function, or to omit or modify prohibitions, restrictions or other limitations which have already been imposed. However, the effect of paragraph (b) is that an application under this section cannot ask for such prohibitions etc. to be imposed or modified in, or omitted from, joint committee regulations made under section 74.

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

- 409. The effect of paragraph (c) of subsection (2) is that an application cannot ask for joint committee regulations made under section 74 to be revoked.
- 410. The effect of subsection (3) is that an application may be made under this section for a principal council and its area to join an existing corporate joint committee, but only if that council and all the existing councils of the committee make the application jointly.