

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 80 – Amendment and revocation of joint committee regulations

414. **Section 80(1)** enables the Welsh Ministers to make regulations to amend or revoke joint committee regulations, whether the joint committee regulations were made under section 72 or section 74.
415. Subsection (2) places conditions on the Welsh Ministers' exercise of the power to make regulations under section 80(1), but different conditions apply depending on what the Welsh Ministers are using the power to do.
416. In order to be able to use the power in section 80(1) to amend joint committee regulations made under section 72, the Welsh Ministers must satisfy the conditions set out in section 81. These conditions apply whatever type of amendment the Welsh Ministers make to the joint committee regulations. However, if the Welsh Ministers revoke joint committee regulations made under section 72 the conditions in section 82 apply.
417. The conditions in section 81 apply if the Welsh Ministers use the power in section 80(1) to amend joint committee regulations made under section 74 in certain ways: where the Welsh Ministers use the power to specify an additional function in the joint committee regulations or to modify or omit existing specified functions. However, there are exceptions to this rule, and these are set out in sub-paragraphs (i) to (iii) of subsection (2) (b).
418. The conditions in section 82 apply if the Welsh Ministers use the power in section 80(1) to amend joint committee regulations made under section 74 in a way which does not involve specifying additional functions or modifying or omitting existing specified functions, or in a way which does involve one of those things but it falls within one of the exceptions in sub-paragraphs (i) to (iii) of subsection (2)(b).
419. Example 1: if regulations under subsection 80(1) were to add, to joint committee regulations made under section 74, a function relating to housing, the conditions in section 81 would apply. Among other things, the Welsh Ministers would need to have received an application under section 78 from the principal councils whose areas are covered by the corporate joint committee, and obtained the consent of those councils.
420. Example 2: if regulations under subsection 80(1) were to add, to joint committee regulations made under section 74, a function relating to transport, the conditions in

section 82 would apply because the exception in sub-paragraph (i) of subsection (2)(b) is engaged. Those conditions require consultation and notification but not an application or consent.

421. Example 3: if regulations under subsection 80(1) were to amend provisions about membership in joint committee regulations made under section 74, the conditions in section 82 would apply.
422. Example 4: if regulations under subsection 80(1) were to revoke joint committee regulations made under section 74, the conditions in section 82 would apply.
423. Subsection (3) limits the types of function that can be specified in joint committee regulations using the power in section 80(1). These are limited to:
- a function of the principal councils in the corporate joint committee's area;
 - the economic well-being function (see section 76);
 - in the case of regulations amending joint committee regulations made under section 74, the function of preparing a strategic development plan. This function cannot be given to a corporate joint committee established under section 72.
424. For an explanation of subsection (4), see the note to section 72(4). For an explanation of subsection (5), see the note to section 72(5).
425. Subsection (6) applies where regulations made under this section revoke joint committee regulations so as to abolish the corporate joint committee which was established by those regulations, or where they amend joint committee regulations to remove a function from a corporate joint committee. Such regulations under this section may provide that the function or functions which were exercised by the corporate joint committee are to be exercisable by another person. However, such provision cannot be made in respect of the economic well-being function or the function of preparing a strategic development plan.