



# Local Government and Elections (Wales) Act 2021

2021 asc 1

## PART 5

### COLLABORATIVE WORKING BY PRINCIPAL COUNCILS

#### CHAPTER 5

##### FURTHER PROVISION RELATING TO CORPORATE JOINT COMMITTEES AND JOINT COMMITTEE REGULATIONS

###### *Amendment and revocation of joint committee regulations*

#### **78 Application by principal councils to amend or revoke joint committee regulations**

- (1) The principal councils for the principal areas in a corporate joint committee's area may jointly 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 corporate joint committee.
- (2) But an application under this section may not ask the Welsh Ministers to consider—
  - (a) amending joint committee regulations to specify a function unless it is—
    - (i) a function of the councils making the application;
    - (ii) the economic well-being function;
  - (b) amending regulations made under section 74 (joint committee regulations where no request has been made) so as to—
    - (i) omit or modify a function which relates to improving education or transport;
    - (ii) omit the function of preparing a strategic development plan;

*Status: Point in time view as at 21/01/2021.*

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- (iii) omit the economic well-being function or impose, modify or omit a prohibition, restriction or other limitation on the exercise of that function;
  - (c) revoking regulations made under section 74.
- (3) An application under this section asking the Welsh Ministers to consider amending joint committee regulations so as to specify a principal area (so that the corporate joint committee will exercise a function in relation to that area) may not be made unless the principal council for that area is one of the applicants.

## 79 Further provision in relation to applications

- (1) Before making an application under section 78 the principal councils must consult such persons as they consider appropriate.
- (2) If, following the receipt of an application under section 78, the Welsh Ministers decide not to make regulations under section 80, the Welsh Ministers must notify the principal councils that made the application.

## 80 Amendment and revocation of joint committee regulations

- (1) The Welsh Ministers may by regulations amend or revoke joint committee regulations.
- (2) But the Welsh Ministers may make regulations under subsection (1) only if—
  - (a) in the case of regulations that amend regulations made under section 72 (requested joint committee regulations), the conditions set out in section 81 are satisfied;
  - (b) in the case of regulations that amend regulations made under section 74 so as to specify, modify or omit a function, other than so as to—
    - (i) specify, modify or omit a function which relates to improving education or transport;
    - (ii) specify or omit the function of preparing a strategic development plan;
    - (iii) specify or omit the economic well-being function,
 the conditions set out in section 81 are satisfied;
  - (c) in any other case (including the case of regulations that amend regulations under section 74 to impose, modify or omit a prohibition, restriction or other limitation on the exercise of the economic well-being function), the conditions set out in section 82 are satisfied.
- (3) Regulations under subsection (1) may not amend joint committee regulations so as to specify a function unless it is—
  - (a) a function of the principal councils in the corporate joint committee's area;
  - (b) the economic well-being function;
  - (c) in the case of regulations that amend regulations made under section 74, the function of preparing a strategic development plan.
- (4) Regulations under subsection (1) which amend joint committee regulations so as to specify a function of a principal council must make provision so that the function is either—
  - (a) exercisable by the corporate joint committee instead of by the principal councils in the corporate joint committee's area, or

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- (b) exercisable concurrently by the corporate joint committee and those principal councils.
- (5) Regulations under subsection (1) may amend joint committee regulations so as to specify a function of a principal council by reference to a particular activity or activities.
- (6) Regulations under subsection (1) which—
  - (a) amend joint committee regulations so as to omit a function specified in those joint committee regulations, or
  - (b) revoke joint committee regulations (so as to abolish the corporate joint committee established by those regulations),may provide that a function which will cease to be exercisable by the corporate joint committee, other than the economic well-being function or the function of preparing a strategic development plan, is to be exercisable by another person.
- (7) The Welsh Ministers may by regulations revoke regulations made under this section.

## **81 Conditions to be met before amending joint committee regulations: application required from principal councils**

- (1) The conditions mentioned in section 80(2)(a) and (b) are as follows.
- (2) The first condition is that the Welsh Ministers have received an application under section 78 to amend the joint committee regulations.
- (3) The second condition is that the Welsh Ministers have consulted such persons as they consider appropriate on a draft of the regulations.
- (4) The third condition is that the principal councils which made the application have each given consent in writing to the regulations being made.
- (5) The fourth condition is that, if the conditions in subsections (2) to (4) are satisfied and the Welsh Ministers intend to make the regulations, they have given notice of their intention to the corporate joint committee.

## **82 Conditions to be met before amending or revoking joint committee regulations: no application required from principal councils**

- (1) The conditions mentioned in section 80(2)(c) are as follows.
- (2) The first condition is that the Welsh Ministers have consulted such persons as they consider appropriate on a draft of the regulations.
- (3) The second condition is that, if the condition in subsection (2) is satisfied and the Welsh Ministers intend to make the regulations, they have given notice of their intention to—
  - (a) the principal councils in the corporate joint committee's area,
  - (b) if the regulations will amend joint committee regulations to specify a principal area—
    - (i) the principal council for that area, and
    - (ii) if the corporate joint committee has, or under the regulations will have, the function of preparing a strategic development plan, the National Park authority for a National Park any part of which is in that area,

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- (c) if the regulations will amend regulations made under section 74 to specify or omit the function of preparing a strategic development plan, the National Park authority for a National Park any part of which is in the corporate joint committee's area, and
- (d) the corporate joint committee.

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