



# 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

*Supplementary etc. provision in and in relation to joint committee regulations*

#### **83 Supplementary etc. provision in certain regulations under this Part**

- (1) Joint committee regulations and regulations under section 80 may include supplementary, incidental, consequential, transitional, transitory or saving provision.
- (2) The Welsh Ministers may by regulations make supplementary, incidental, consequential, transitional, transitory or saving provision applying in relation to—
  - (a) all corporate joint committees;
  - (b) a particular corporate joint committee;
  - (c) a particular description of corporate joint committee.
- (3) Regulations under subsection (2) may also make provision imposing a prohibition, restriction or other limitation on the exercise of the economic well-being function by a corporate joint committee granted that function.
- (4) Regulations under subsection (2) have effect subject to any provision included in joint committee regulations.

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*Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Cross Heading: Supplementary etc. provision in and in relation to joint committee regulations. (See end of Document for details)*

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- (5) In this section references to supplementary, incidental, consequential, transitional, transitory or saving provision include provision—
- (a) for the transfer of property (real or personal), rights or liabilities (including criminal liabilities, and rights and liabilities in relation to a contract of employment)—
    - (i) from a principal council to a corporate joint committee;
    - (ii) from a National Park authority to a corporate joint committee;
    - (iii) from a corporate joint committee to one or more other corporate joint committees;
    - (iv) from a corporate joint committee to one or more principal councils, persons by whom a function is exercisable by virtue of section 80(6) or National Park authorities;
    - (v) from a person by whom a function is exercisable by virtue of section 80(6) to one or more principal councils or corporate joint committees;
  - (b) for the management or custody of property transferred to or otherwise acquired by a corporate joint committee;
  - (c) for civil or criminal proceedings—
    - (i) commenced by or against a principal council to be continued by or against a corporate joint committee;
    - (ii) commenced by or against a corporate joint committee to be continued by or against one or more other corporate joint committees;
    - (iii) commenced by or against a corporate joint committee to be continued by or against one or more principal councils, persons by whom a function is exercisable by virtue of section 80(6) or National Park authorities;
    - (iv) commenced by or against a person by whom a function is exercisable by virtue of section 80(6) to be continued by or against one or more principal councils or corporate joint committees;
  - (d) subject to subsection (6), for the transfer of staff—
    - (i) from a principal council to a corporate joint committee;
    - (ii) from a National Park authority to a corporate joint committee;
    - (iii) from a corporate joint committee to one or more other corporate joint committees;
    - (iv) from a corporate joint committee to one or more principal councils, persons by whom a function is exercisable by virtue of section 80(6) or National Park authorities;
    - (v) from a person by whom a function is exercisable by virtue of section 80(6) to one or more principal councils or corporate joint committees;
  - (e) about other staffing matters (including remuneration, allowances, expenses, pensions or compensation for loss of office);
  - (f) for treating for some or all purposes—
    - (i) a corporate joint committee as the same person in law as a principal council;
    - (ii) a corporate joint committee as the same person in law as a National Park authority;

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- (iii) a corporate joint committee as the same person in law as another corporate joint committee;
  - (iv) a corporate joint committee as the same person in law as a person by whom a function is exercisable by virtue of section 80(6);
  - (v) a principal council, a person by whom a function is exercisable by virtue of section 80(6) or a National Park authority as the same person in law as a corporate joint committee;
  - (vi) a principal council as the same person in law as a person by whom a function is exercisable by virtue of section 80(6);
  - (g) about things which a corporate joint committee may or must do that are supplementary or incidental to the functions of the committee specified in joint committee regulations by virtue of section 72(1), 74(1) or 80(1);
  - (h) about the provision of information or documents by a principal council, a National Park authority or a corporate joint committee to a person specified in the regulations;
  - (i) about co-operation by a principal council, a National Park authority or a corporate joint committee with a person specified in the regulations;
  - (j) for the payment of compensation in respect of loss suffered by any person in consequence of a function becoming, or ceasing to be, exercisable by a corporate joint committee.
- (6) Joint committee regulations, regulations under section 80 or regulations under this section containing provision for the transfer of staff must apply the provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), apart from regulations 4(6) and 10, to those transfers (whether or not the transfer is a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006).
- (7) The Welsh Ministers may by regulations amend or revoke regulations made under subsection (2) or regulations made under this subsection; and regulations under this subsection may make supplementary, incidental, consequential, transitional, transitory or saving provision.

#### **84 Power of the Welsh Ministers to amend, repeal etc. enactments**

- (1) Joint committee regulations and regulations under section 80 or 83 may—
- (a) amend, modify, apply (with or without modifications) or disapply any enactment;
  - (b) repeal or revoke any enactment.
- (2) The Welsh Ministers may, for the purposes of or otherwise in connection with this Part, by regulations—
- (a) amend, modify, apply (with or without modifications) or disapply any enactment;
  - (b) repeal or revoke any enactment.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Cross Heading: Supplementary etc. provision in and in relation to joint committee regulations.