



# Local Government and Elections (Wales) Act 2021

2021 asc 1

## PART 7 **E+W**

### MERGERS AND RESTRUCTURING OF PRINCIPAL AREAS

#### CHAPTER 1 **E+W**

##### VOLUNTARY MERGERS OF PRINCIPAL AREAS

###### *Applications for mergers*

#### 121 Merger applications **E+W**

- (1) Any two or more principal councils may jointly make an application (“a merger application”) to the Welsh Ministers, asking them to consider making merger regulations under section 124(1) merging their principal areas into a new principal area.
- (2) Section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) does not apply to the function of making a merger application.
- (3) The function of making a merger application is not to be the responsibility of an executive of the principal council under executive arrangements.
- (4) An elected mayor is to be treated as a councillor of the principal council for the purposes of the function of making a merger application.
- (5) If, following receipt of a merger application, the Welsh Ministers decide not to make merger regulations under section 124(1), they must notify the principal councils that made the application.

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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: Applications for mergers. (See end of Document for details)*

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## 122 Consultation before making merger application E+W

- (1) Before making a merger application the principal councils must consult—
- (a) local people in the principal councils' areas,
  - (b) each of the councils for communities in the principal councils' areas,
  - (c) the National Park authority for a National Park any part of which is in one or more of the principal councils' areas,
  - (d) the fire and rescue authority for an area any part of which is in one or more of the principal councils' areas,
  - (e) the public services board or boards for the principal councils' areas,
  - (f) the Local Health Board for an area any part of which is in one or more of the principal councils' areas,
  - (g) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)) by one or more of the principal councils,
  - [<sup>F1</sup>(ga) each corporate joint committee—
    - (i) which includes at least one senior executive member (within the meaning given by section 77(4)) of the principal councils as a member of the corporate joint committee;
    - (ii) which is otherwise likely to be affected by the proposal for merger,]
  - (h) every other principal council for a principal area which is likely to be affected by the proposal for merger, and
  - (i) such other persons as the principal councils consider appropriate.
- (2) The requirement in subsection (1) may be satisfied by consultation undertaken before the coming into force of this section.

### Textual Amendments

- F1** S. 122(1)(ga) inserted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), 33

## 123 Guidance about merger applications E+W

- (1) Principal councils must have regard to any guidance issued by the Welsh Ministers about the making of a merger application.
- (2) The requirement in subsection (1) may be satisfied by having regard to any guidance issued by the Welsh Ministers before the coming into force of this section, and which was issued expressly for the purpose of this section.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Cross Heading: Applications for mergers.