



Local Government and Elections (Wales) Act 2021

2021 asc 1

PART 7

MERGERS AND RESTRUCTURING OF PRINCIPAL AREAS

CHAPTER 3

FUNCTIONS RELATING TO MERGERS AND RESTRUCTURING

136 Transition committees

Schedule 11 makes provision about the establishment of transition committees.

137 Restraint of transactions and recruitment

Schedule 12 makes provision about restraints on transactions and recruitment.

138 Reviews of electoral arrangements

- (1) The Welsh Ministers may direct the Local Democracy and Boundary Commission for Wales to conduct an initial review of electoral arrangements after the Welsh Ministers—
 - (a) receive a merger application, or
 - (b) give notice as described in section 129(6).
- (2) Before giving a direction under subsection (1) the Welsh Ministers must consult—
 - (a) the Local Democracy and Boundary Commission for Wales, and
 - (b) such persons representing principal councils as the Welsh Ministers consider appropriate.

- (3) A direction under subsection (1) to conduct an initial review in relation to a proposal to transfer part of a principal area to be abolished to another principal area, or in relation to restructuring regulations which provide for such a transfer—
- (a) must specify the area (which may be all or part of a principal area) that is to be subject to the initial review, and
 - (b) may specify that one or more matters of a kind described in sub-paragraph (i) or (ii) are not to be considered in the initial review; and those matters are—
 - (i) matters set out in the definition of “electoral arrangements” in paragraph 3(1) of Schedule 1;
 - (ii) matters set out in the definition of “relevant consequential changes” in that paragraph.
- (4) A direction under subsection (1) must specify the voting system in relation to which the electoral arrangements are to be reviewed.
- (5) Schedule 1 makes provision in relation to initial reviews conducted by virtue of this section.
- (6) The Welsh Ministers may by regulations amend subsection (3) of section 29 of the 2013 Act (periodic reviews of electoral arrangements for principal areas).

139 Prohibition of changes to executive arrangements

- (1) After receiving a merger application the Welsh Ministers may direct a merging council that—
- (a) until merger regulations applying to the council come into force, or
 - (b) until it receives notice under section 121(5),
- it must not take any steps (including the holding of a referendum) to change its form of executive.
- (2) After giving notice as described in section 129(6), the Welsh Ministers may direct a restructuring council that—
- (a) until restructuring regulations applying to the council come into force, or
 - (b) until it receives notice under section 134(3),
- it must not take any steps (including the holding of a referendum) to change its form of executive.
- (3) While a direction under subsection (1) or (2) has effect in relation to a council, the council is not subject to any duty imposed by or under an enactment to take steps to change its form of executive.

140 Requirement on principal councils to provide information etc. to the Welsh Ministers

- (1) The Welsh Ministers may direct a principal council (“council A”) to provide them with any information or documents they consider appropriate—
- (a) for the purposes of considering whether to transfer the functions of council A to another principal council (“council B”) or to a new principal council,
 - (b) for the purposes of giving effect to such a transfer, or
 - (c) otherwise in connection with such a transfer.

Status: This is the original version (as it was originally enacted).

- (2) The Welsh Ministers may also direct council B to provide the Welsh Ministers with any information or documents which they consider appropriate as mentioned in subsection (1)(a), (b) or (c).

141 Requirement on principal councils to provide information etc. to other bodies

- (1) The Welsh Ministers may direct a principal council (“council A”) to provide a relevant body with any information or documents which the Welsh Ministers consider appropriate—
- (a) for the purposes of considering whether to transfer the functions of council A to another principal council (“council B”) or to a new principal council,
 - (b) for the purposes of giving effect to such a transfer, or
 - (c) otherwise in connection with such a transfer.
- (2) The following are relevant bodies—
- (a) any other principal council (including council B) whose area will be, or is likely to be, affected by any merger regulations or restructuring regulations made in respect of council A;
 - (b) any transition committee established by council A (see Schedule 11);
 - (c) if a new principal area containing all or part of council A’s area is to be constituted, the shadow council for the new principal area.
- (3) The Welsh Ministers may also direct council B to provide another relevant body or council A with any information or documents which the Welsh Ministers consider appropriate as mentioned in subsection (1)(a), (b) or (c).