Local Government and Elections (Wales) Act 2021

2021 asc 1

PART 9

MISCELLANEOUS

Information sharing

159 Information sharing between regulators, the Auditor General for Wales and the Welsh Ministers

(1) A member of the information sharing group may, for the purposes of exercising that member's specified functions in relation to a principal council, request that another member of the information sharing group provide information or a document.

(2) A member of the information sharing group must provide information or a document requested under subsection (1), to the extent that—

(a) the information or document was obtained or created by that member in exercising the member's specified functions, and

(b) it is reasonably practicable for that member to provide the information or document.

(3) If the Auditor General for Wales or the Welsh Ministers, for the purpose of exercising a function specified in subsection (4), requests that another member of the information sharing group provide information or a document, and that member—

(a) is not required under subsection (2) or any other enactment to provide the information or document, and

(b) does not have a power under any enactment (other than this section) to provide the information or document,

the member may provide that information or document.

(4) The functions mentioned in subsection (3) are—

(a) functions of the Welsh Ministers under Part 5 (collaborative working by principal councils);

(b) functions of the Auditor General for Wales or the Welsh Ministers under Chapter 1 of Part 6 (performance and governance of principal councils);

(c) functions of the Welsh Ministers under Chapter 2 of Part 7 (restructuring of principal areas).

(5) For the purposes of this section—

(a) a person is a member of the information sharing group if that person is mentioned in the first column of table 2;

(b) the specified functions of the members of the information sharing group are the functions mentioned in the second column.

TABLE 2

Members of the information sharing group	**Specified functions**
Auditor General for Wales	Functions under sections 13 and 41 of the Public Audit (Wales) Act 2004 (c. 23) (audit of accounts and studies for improving economy in services)
	Functions under section 15 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2) (assessments relating to the sustainable development principle)
	Functions under Chapter 1 of Part 6 of this Act (special inspections of performance of principal councils)
Her Majesty's Chief Inspector of Education and Training in Wales	Functions under section 38 of the Education Act 1997 (c. 44) (inspection of education functions etc. of principal councils)
The Welsh Ministers	Functions under section 149A and section 149B of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (reviews etc. of the exercise of social services functions of principal councils)
	Functions under Part 5 (collaborative working by principal councils), Chapter 1 of Part 6 (performance of principal councils) or Chapter 2 of Part 7 (restructuring of principal areas) of this Act

(6) The Welsh Ministers may by regulations amend table 2 to—

(a) add an entry;

(b) amend an entry;

(c) omit an entry.

(7) Regulations under subsection (6) may amend, modify, repeal or revoke any enactment in consequence of, or for the purposes of giving full effect to, any amendment made to table 2 by regulations under subsection (6).

(8) Before making regulations under subsection (6) which amend table 2, the Welsh Ministers must consult—

(a) such persons representing principal councils as the Welsh Ministers consider appropriate;

(b) the Auditor General for Wales;

(c) the person to whom a new or amended entry will relate;

(d) the person to whom an entry to be omitted relates.

(9) In this section ”document“ includes information recorded in any form.

(10) Section 33 of the 2009 Measure (information sharing) ceases to have effect, other than for the purposes of the sharing of information and documents—

(a) obtained by or produced to the Auditor General for Wales in the course of the exercise of functions under sections 17 to 19 of the 2009 Measure, or

(b) for the purpose of the exercise by the Auditor General for Wales of those functions.

160 Amendment of the Public Audit (Wales) Act 2004 consequential on section 159

In section 54 of the Public Audit (Wales) Act 2004 (c. 23) (restriction on disclosure of information)—

(a) in subsection (1), after paragraph (a) (and before the “or” which follows it) insert—

“(aa) pursuant to section 159 of the Local Government and Elections (Wales) Act 2021,”;

(b) in subsection (2), after paragraph (b) insert—

“(ba) section 159 of the Local Government and Elections (Wales) Act 2021;

(bb) for the purposes of any functions of the Auditor General for Wales which are specified functions within the meaning of section 159 of the Local Government and Elections (Wales) Act 2021 (and are not mentioned elsewhere in this subsection);”.