



Local Government and Elections (Wales) Act 2021

2021 asc 1

PART 7

MERGERS AND RESTRUCTURING OF PRINCIPAL AREAS

CHAPTER 2

RESTRUCTURING OF PRINCIPAL AREAS

Restructuring regulations

133 Restructuring regulations which constitute a new principal area

- (1) Restructuring regulations which include provision as described in section 131(b) must provide for—
- (a) the boundary of the new principal area,
 - (b) the name of the new principal area,
 - (c) whether the new principal area is to be a county or a county borough,
 - (d) the establishment of a council for the new principal area (in accordance with paragraph (e) or subsections (4) to (7)),
 - (e) (subject to subsection (4)) there to be an elected shadow council for the new principal area until the transfer date (from when it is, and has all the functions of, the principal council for the new principal area),
 - (f) the functions of the shadow council,
 - (g) the funding of the shadow council,
 - (h) the appointment of a shadow executive by the shadow council, in the form of a leader and cabinet executive (which, from the transfer date, is and has all the functions of, the executive for the principal council),
 - (i) the functions of the shadow executive,

Status: This is the original version (as it was originally enacted).

- (j) the transfer of functions to the new principal council from the restructuring councils whose areas are to be merged to create the new principal area,
 - (k) the winding up and dissolution of the restructuring councils whose areas are to be merged to create the new principal area,
 - (l) which of the voting systems (see section 134(4)) is to apply to the first ordinary election of councillors to the new principal council,
 - (m) the date of the first ordinary election of councillors to the new principal council, and
 - (n) the terms of office of councillors returned at that election.
- (2) Where a new principal area constituted by restructuring regulations is to be a county, the regulations must provide for the new principal council to have the name of the county with the addition of the words “County Council” or the word “Council”.
- (3) Where a new principal area constituted by restructuring regulations is to be a county borough, the regulations must provide for the new principal council to have the name of the county borough with the addition of the words “County Borough Council” or the word “Council”.
- (4) The Welsh Ministers may, if they consider it appropriate, make provision in the restructuring regulations for the shadow council to be a designated shadow council until the pre-election period.
- (5) If the Welsh Ministers make such provision, they must also, in the restructuring regulations—
- (a) make provision specifying the composition of the shadow executive to be appointed by the shadow council;
 - (b) provide that during the pre-election period the shadow council is, and has all the functions of, the principal council for the new principal area; and the shadow executive is, and has all the functions of, the executive for the principal council.
- (6) In subsections (4) and (5), “pre-election period” means the period—
- (a) beginning with the transfer date, and
 - (b) ending immediately before the fourth day after the holding of the first ordinary election of councillors to the new principal council.
- (7) For the purposes of this section—
- (a) an elected shadow council—
 - (i) consists of the councillors elected in the first ordinary election of councillors to the new principal council, and
 - (ii) is established on the fourth day after that election, when those councillors assume office as shadow members;
 - (b) a designated shadow council—
 - (i) consists of such members of the restructuring councils as are specified in the restructuring regulations, appointed in accordance with the regulations, and
 - (ii) is established on the date specified in the restructuring regulations as the date on which those members assume office as shadow members.