



# 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*

#### **134 Restructuring regulations: supplementary**

- (1) Restructuring regulations may make provision that corresponds to, or applies (with or without modifications) provision made by or under, or that may or must be made under—
  - (a) Chapter 4 (remuneration arrangements), where the regulations make provision in accordance with section 131(b);
  - (b) section 127 (elections);
  - (c) paragraphs 2 and 3 of Schedule 11 (transition committees).
- (2) Restructuring regulations may provide for—
  - (a) the establishment of a committee or other body to provide advice and recommendations to persons specified in the regulations about the transfer of functions, liabilities and property, and about staffing matters;
  - (b) the establishment of a body corporate for the purpose of taking over, and disposing of, any property, rights or liabilities of a principal council which is to be abolished under the regulations, and exercising any related functions of such a council; and restructuring regulations may—

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*Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Section 134. (See end of Document for details)*

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- (i) provide for such a body to acquire property, make levies, borrow and lend money, and
  - (ii) make provision about the winding up of such a body;
  - (c) the provision of information or documents by a restructuring council to persons specified in the regulations;
  - (d) the giving of directions by the Welsh Ministers to persons specified in the regulations for purposes connected to a restructuring, and for their enforcement;
  - (e) the Welsh Ministers to determine, in circumstances specified in the regulations, matters connected to the restructuring.
- (3) If the Welsh Ministers decide not to make restructuring regulations after—
- (a) having received a report of a special inspection of a principal council by the Auditor General for Wales under section 95(7) and having consulted as described in section 129(4), or
  - (b) having received an abolition request,
- they must notify the council under consideration and any other principal council they have given notice or consulted as described in section 129.
- (4) For the purposes of sections 132 and 133, the voting systems are—
- (a) the simple majority system provided for by rules made, or having effect as if made, under section 36A of the 1983 Act;
  - (b) the single transferable vote system provided for by rules made under section 36A of the 1983 Act.
- (5) If, before section 7 comes into force, notice is given as described in section 129(6) and the creation of a new principal area is proposed—
- (a) section 133(1) does not apply in relation to the restructuring regulations relating to the notice, and
  - (b) those regulations must provide that if section 7 is in force on the day of the first ordinary election of councillors to the principal council for the new principal area, the simple majority system applies to that election.

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**Commencement Information**

**II** S. 134 in force at 1.4.2021 by [S.I. 2021/297](#), **art. 2(d)**

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Section 134.