



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 [^{F1}or a corporate joint committee], 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.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Section 159. (See end of Document for details)

- (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);
 - [^{F2}(ba) functions of the Auditor General for Wales or the Welsh Ministers under Chapter 1A of Part 6 (performance of corporate joint committees);]
 - (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	<p>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)</p> <p>Functions under section 15 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2) (assessments relating to the sustainable development principle)</p> <p>Functions under Chapter 1 of Part 6 of this Act (special inspections of performance of principal councils)</p> <p>[^{F3}Functions under Chapter 1A of Part 6 of this Act (special inspections of performance of corporate joint committees)]</p>
Her Majesty's Chief Inspector of Education and Training in Wales	<p>Functions under section 38 of the Education Act 1997 (c. 44) (inspection of education functions etc. of principal councils)</p>
The Welsh Ministers	<p>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)</p> <p>Functions under Part 5 (collaborative working by principal councils), Chapter 1 of Part 6 (performance of principal councils) [^{F4}, Chapter 1A of Part</p>

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Section 159. (See end of Document for details)

6 (performance of corporate joint committees)] 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.

^{F5}(10)

Textual Amendments

- F1** Words in s. 159(1) inserted (15.7.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2022 \(S.I. 2022/797\)](#), regs. 1(2), [7\(a\)](#)
- F2** S. 159(4)(ba) inserted (15.7.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2022 \(S.I. 2022/797\)](#), regs. 1(2), [7\(b\)](#)
- F3** Words in s. 159(5) Table 2 inserted (15.7.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2022 \(S.I. 2022/797\)](#), regs. 1(2), [7\(c\)\(i\)](#)
- F4** Words in s. 159(5) Table 2 inserted (15.7.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2022 \(S.I. 2022/797\)](#), regs. 1(2), [7\(c\)\(ii\)](#)
- F5** S. 159(10) omitted (1.4.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), [ss. 113\(h\)](#), [175\(7\)](#); [S.I. 2021/297](#), reg. 2(b) (with regs. 4, 5, 7-9)

Commencement Information

- I1** S. 159(1)-(3)(4)(a) in force at 21.1.2021, see [s. 175\(1\)\(g\)](#)
- I2** S. 159(5) in force at 21.1.2021 for specified purposes, see [s. 175\(1\)\(g\)\(7\)](#)
- I3** S. 159(6)-(10) in force at 21.1.2021, see [s. 175\(1\)\(g\)](#)
- I4** S. 159(4)(b)(c) in force at 1.4.2021 by [S.I. 2021/297](#), [art. 2\(e\)](#)
- I5** S. 159(5) in force at 1.4.2021 in so far as not already in force by [S.I. 2021/297](#), [art. 2\(e\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Section 159.