



Local Government and Elections (Wales) Act 2021

2021 asc 1

PART 10

GENERAL

174 Regulations under this Act

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) A power to make regulations under this Act includes power to make different provision for different purposes or areas.
- (3) A power to make regulations under this Act includes a power to make supplementary, incidental, consequential, transitional, transitory or saving provision; but this subsection does not apply to the powers under—
 - (a) section 72, 74, 80 or 83 (corporate joint committees; as to which see section 83);
 - (b) section 124, 131 or 147 (mergers and restructuring; as to which see section 147).
- (4) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru
- (5) Subsection (4) applies to a statutory instrument containing regulations under any of the following provisions—
 - (a) section 28(1) or (2), where the regulations amend, modify, repeal or disapply primary legislation, unless the regulations are made only for a purpose described in subsection (8) of that section;
 - (b) section 28(3) or (4), unless the regulations are made only for a purpose described in subsection (8) of that section;
 - (c) section 35(1) or (3) (eligible community councils: eligibility requirements);
 - (d) section 46 (electronic broadcast of meetings);

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Section 174. (See end of Document for details)

- (e) section 47(8) (attendance at local authority meetings);
 - (f) section 50 (regulations about conduct of local authority meetings, notices relating to such meetings, etc.);
 - (g) section 60(1) (job-sharing: non-executive offices in principal councils);
 - (h) section 72 (establishing requested corporate joint committees);
 - (i) section 74 (establishing corporate joint committees other than on request);
 - (j) section 80 (amendment etc. of joint committee regulations);
 - (k) section 83 (corporate joint committees: supplementary etc.);
 - (l) section 84(2)(amendment of enactments for purposes etc. of Part 5);
 - (m) section 94 (panel performance assessments: supplementary regulations);
 - [^{F1}(ma) section 94 as applied to corporate joint committees by section 115A and Schedule 10A;]
 - (n) section 107(3) (disapplication etc. of enactments in relation to principal council functions exercisable by the Welsh Ministers etc.);
 - [^{F2}(na) section 107(3) as applied to corporate joint committees by section 115A and Schedule 10A;]
 - (o) section 110(1) or (2) (amendment etc. of enactments and conferral of new powers in relation to performance and governance of principal councils);
 - [^{F3}(oa) section 110(1) or (2) as applied to corporate joint committees by section 115A and Schedule 10A;]
 - (p) section 124 (merger regulations);
 - (q) section 131 (restructuring regulations; but see section 148 for further provision about the procedure relating to a statutory instrument containing restructuring regulations);
 - (r) section 147 (further provision relating to merger regulations and restructuring regulations);
 - (s) section 159(6) (amendment of table 2 to change membership of information sharing group and their specified functions);
 - (t) section 173 (consequential etc. provision), where the regulations amend, modify or repeal primary legislation (including this Act).
- (6) A statutory instrument containing regulations under this Act and to which subsection (4) does not apply is subject to annulment in pursuance of a resolution of Senedd Cymru; but this subsection does not apply to a statutory instrument containing only regulations under paragraph 9, 10 or 11 of Schedule 1 (initial reviews).
- (7) In subsection (5), “primary legislation” includes a provision of primary legislation.

Textual Amendments

- F1** S. 174(5)(ma) inserted (15.7.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2022 \(S.I. 2022/797\)](#), regs. 1(2), **24(a)**
- F2** S. 174(5)(na) inserted (15.7.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2022 \(S.I. 2022/797\)](#), regs. 1(2), **24(b)**
- F3** S. 174(5)(oa) inserted (15.7.2022) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2022 \(S.I. 2022/797\)](#), regs. 1(2), **24(c)**

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