



# Local Government and Elections (Wales) Act 2021

2021 asc 1

## PART 2

### GENERAL POWER OF COMPETENCE

#### CHAPTER 1

##### THE GENERAL POWER

#### **28 Powers to make supplementary provision**

- (1) If the Welsh Ministers consider that an enactment prevents qualifying local authorities from exercising the general power, or obstructs them in exercising the general power, the Welsh Ministers may by regulations amend, modify, repeal, revoke or disapply that enactment.
- (2) If the Welsh Ministers consider that any other power overlaps (to any extent) the general power, then, for the purpose of reducing or removing that overlap, the Welsh Ministers may by regulations amend, modify, repeal, revoke or disapply any enactment.
- (3) The Welsh Ministers may by regulations make provision preventing qualifying local authorities from doing, in exercise of the general power, anything that is specified, or is of a description specified, in the regulations.
- (4) The Welsh Ministers may by regulations provide for the exercise of the general power to be subject to conditions, either generally or in relation to doing anything that is specified, or is of a description specified, in the regulations.
- (5) Regulations made under subsection (4) may, among other things, provide that the exercise of the general power by a qualifying local authority—

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*Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Section 28. (See end of Document for details)*

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- (a) to charge for providing a service to a person is to be subject to conditions in addition to the conditions set out in section 26;
  - (b) to do things for a commercial purpose is to be subject to conditions in addition to the conditions set out in section 27.
- (6) The power under subsection (1), (2), (3) or (4) may be exercised in relation to—
- (a) all qualifying local authorities;
  - (b) a particular authority that is a qualifying local authority;
  - (c) a particular description of local authority that is a qualifying local authority.
- (7) Except as provided for in subsection (8), before making regulations under subsection (1), (2), (3) or (4) the Welsh Ministers must consult—
- (a) such principal councils and community councils as they consider appropriate,
  - (b) such persons representing principal councils and community councils as they consider appropriate, and
  - (c) such other persons as they consider appropriate.
- (8) The duty imposed by subsection (7) does not apply in the case of regulations made by the Welsh Ministers only for the purpose of amending earlier regulations—
- (a) so as to extend the earlier regulations, or any provision of the earlier regulations, to a particular authority or authorities of a particular description, or
  - (b) so that the earlier regulations, or any provision of the earlier regulations, ceases to apply to a particular authority or to authorities of a particular description.
- (9) This section does not confer power to make provision—
- (a) that amends, repeals or disapplies a provision of this Act;
  - (b) for the delegation or transfer of any function of legislating by order, rules, regulations, or other subordinate instrument.

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**Commencement Information**

**II** S. 28 in force at 4.3.2021 by S.I. 2021/231, art. 2(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Section 28.