



# Local Government (Democracy) (Wales) Act 2013

2013 anaw 4

## PART 3

### ARRANGEMENTS FOR LOCAL GOVERNMENT

#### CHAPTER 7

##### MISCELLANEOUS PROVISION

#### **48      Directions and guidance relating to Part 3**

- (1) The Welsh Ministers may give the Commission directions relating to the exercise of its functions under this Part.
- (2) In particular, the Welsh Ministers may direct the Commission—
  - (a) to conduct a review under this Part (including, where the Commission has made recommendations or proposals to them, further reviews),
  - (b) not to conduct a review under section 28 during a period specified in the direction,
  - (c) to conduct a review under section 29 for a new local government area (within the meaning of section 171 of the 2011 Measure) as if it were a local government area,
  - (d) to conduct the reviews required under section 29(1) in a different order from that proposed by the Commission in any current programme for electoral arrangements reviews prepared in accordance that section,
  - (e) to have regard to such particular matters as may be specified in the direction when conducting a review.
- (3) Subsection (1) does not limit the general power of direction under section 14.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The Welsh Ministers may give a principal council directions relating to the exercise of its functions under this Part.
- (5) In particular, the Welsh Ministers may direct a principal council to—
  - (a) conduct a review under section 25 or 31,
  - (b) have regard to such particular matters as may be specified in the direction when conducting a review.
- (6) A principal council must comply with a direction given by the Welsh Ministers under subsection (4).
- (7) Directions under this section may relate to a particular review, a type of review or to all reviews.
- (8) But before making a direction under this section relating to the review of a principal area or its electoral arrangements (or reviews of principal areas or their electoral arrangements generally), the Welsh Ministers must consult the Commission and any association appearing to them to be representative of local authorities.
- (9) In exercising any function under this Part, the Commission or a principal council must have regard to any guidance issued by the Welsh Ministers.

#### **49 Local inquiries**

- (1) The Commission or, as the case may be, a principal council, may cause a local inquiry to be held with respect to any review carried out by it under this Part.
- (2) The Welsh Ministers, the Commission or, as the case may be, a principal council may cause a local inquiry to be held in respect of a draft order prepared under section 43.
- (3) A person appointed to hold an inquiry may by summons require a person to attend at a time and place specified in the summons—
  - (a) to give evidence, or
  - (b) to produce any information relating to any matter in question which is held by, or is under the control of, the person.
- (4) A person appointed to hold an inquiry may take evidence on oath and for that purpose may administer oaths.
- (5) A person required to attend under subsection (3) must be paid any reasonably incurred expenses.
- (6) Despite subsection (3)(b), a person may not be required to produce the title (or any instrument relating to the title) of any land which does not belong to a local authority.
- (7) A person commits an offence if the person—
  - (a) refuses or deliberately fails to comply with a requirement of a summons served on the person under subsection (3),
  - (b) deliberately alters, suppresses, conceals or destroys any information which the person is required to produce under this section.
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 6 months, or to both.

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

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- (9) The persons or body causing an inquiry to be held under this section may make orders as to—
- (a) the costs of the parties at the inquiry, and
  - (b) the parties by whom the costs are to be paid.
- (10) An order under subsection (9) may be made a rule of the High Court on the application of a party named in the order.