
WELSH STATUTORY INSTRUMENTS

2009 No. 3272 (W.288) (C.145)

LOCAL GOVERNMENT, WALES

The Local Government (Wales) Measure 2009 (Commencement
No. 2, Transitional Provisions and Savings) Order 2009

Made - - - - 9 December 2009

The Welsh Ministers, in exercise of the powers conferred upon them by section 53(2) of the Local Government (Wales) Measure 2009(1), make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Local Government (Wales) Measure 2009 (Commencement No. 2, Transitional Provisions and Savings) Order 2009.

(2) In this Order “the Measure” means the Local Government (Wales) Measure 2009.

Provisions coming into force on 1 January 2010

2. The provisions of the Measure specified in Schedule 1 to this Order come into force on 1 January 2010.

Provisions coming into force on 1 April 2010

3.—(1) Save as provided in paragraphs (2) to (5), the provisions of the Measure specified in Schedule 2 to this Order, insofar as they are not already in force, come into force on 1 April 2010.

(2) Until 1 April 2011 the provisions specified in paragraph (3) continue to have effect, for the purpose referred to in paragraph (4), as if they had not been amended or repealed by the Measure.

(3) The provisions referred to in paragraph (2) are the following sections of the Local Government Act 1999—

- (a) 1(1)(k), (6) and (7) insofar as it relates to sections 10A, 11, 12A, 13A, 15 and 25 of that Act,
- (b) 10A(1)(a),
- (c) 25(2)(d),
- (d) 29(1A) insofar as it relates to sections 10A, 12A, 13A, 15 and 25 of that Act, and
- (e) 29(2A) and (4).

(4) The purpose referred to in paragraph (2) is that of the Auditor General for Wales carrying out inspections of compliance by Welsh best value authorities with the requirements of Part 1 of the Local Government Act 1999 insofar as those requirements relate to the financial year 2009-2010.

(5) Sections 15 and 29(4) of the Local Government Act 1999 continue to have effect—

- (a) (i) until 1 April 2011; or
 - (ii) until the expiry of any direction issued under section 15 before that date; or
 - (iii) until the withdrawal of any direction issued under section 15 before that date;whichever is the latest; or
- (b) where a direction has been issued under section 15 prior to 1 April 2011 (the “original direction”), in relation to any further direction issued prior to the expiry of the original direction to the same Welsh best value authority that was the subject of the original direction, until the expiry of that further direction.

Provisions coming into force on 1 April 2011

4. The provisions of the Measure specified in Schedule 3 to this Order, insofar as they are not already in force, come into force on 1 April 2011.

9 December 2009

Brian Gibbons
Minister for Social Justice and Local
Government, one of the Welsh Ministers

SCHEDULE 1

Article 2

PROVISIONS COMING INTO FORCE ON 1 JANUARY 2010

Section 15(7) for the purposes of giving effect to the Order making power in Section 15(7)(b);
Section 37;
Sections 39 to 44;
Section 46;
Section 51(2) and (3) and Schedule 2 and 3; and
Section 52 and Schedule 4 for the purposes of section 4, subsection (5) Local Government Act 2000.

SCHEDULE 2

Article 3

PROVISIONS COMING INTO FORCE ON 1 APRIL 2010

Section 2(1);
Section 3;
Section 8(7);
Sections 9 to 13;
Sections 15(1), (6) and (7);
Section 17(1)(a) for the purposes of carrying out an audit to determine whether a Welsh improvement authority has discharged its duties under section 15(6) and (7);
Section 18;
Section 19(1)(b) for the purposes of issuing a report stating whether a Welsh improvement authority has discharged its duties under section 15(6) and (7);
Section 19(1)(c) to (h), (2), (3) and (4);
Sections 20 to 24;
Sections 26 to 30;
Sections 33 and 34;
Section 51(1) and Schedule 1; and
Section 52 and Schedule 4 insofar as it relates to the Audit Commission Act 1998 and the Local Government Act 1999.

SCHEDULE 3

Article 4

PROVISIONS COMING INTO FORCE ON 1 APRIL 2011

Section 14;
Section 15(2), (3), (4) and (5);
Section 17;
Section 19(1)(a);
Section 19(1)(b); and

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Section 24(2)(a).

EXPLANATORY NOTE

(This note is not part of the Order)

This is the second commencement order made by the Welsh Ministers under the Local Government (Wales) Measure 2009.

Article 2 of the Order brings into force on 1 January 2010 those provisions of the Measure specified in Schedule 1 to the Order.

Article 3(1) of the Order brings into force on 1 April 2010 those provisions of the Measure specified in Schedule 2 to the Order. Article 3(2) to (4) of the Order saves the effect of certain of the provisions of Part 1 of the Local Government Act 1999 (the “1999 Act”) for the purpose of enabling the Auditor General for Wales to carry out inspections of compliance by Welsh best value authorities with the requirements of that Part of the 1999 Act. Article 3(5) saves the effect of sections 15 and 29(4) of the 1999 Act for the purposes of any directions issued under section 15 of the 1999 Act. These provisions will remain in force until 1 April 2011 or until such time as the directions issued before that date are withdrawn or expire, whichever is the latest. Article 3(5) also saves the effect of sections 15 and 29(4) for the purpose of issuing a further direction under section 15 after 1 April 2011, but before the expiry of any direction issued before that date.

Article 4 of the Order brings into force on 1 April 2011 those provisions of the Measure specified in Schedule 3 to the Order.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Local Government (Wales) Measure 2009 were brought into force on 17 July 2009 by the [Local Government \(Wales\) Measure 2009 \(Commencement No 1\) Order 2009 \(2009/1796\) \(W.163\) \(C.88\)](#):

- (a) Section 1;
- (b) Section 2(2) and (3);
- (c) Section 4;
- (d) Section 5;
- (e) Section 6;
- (f) Section 7;
- (g) Section 8(1) to (6) inclusive;
- (h) Section 15(8) and (9);
- (i) Section 16;
- (j) Section 25;
- (k) Section 31;
- (l) Section 32;

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- (m) Section 35;
- (n) Section 36;
- (o) Section 38;
- (p) Section 45; and
- (q) Section 47.