



Local Government (Wales) Measure 2009

2009 nawm 2

PART 1

LOCAL GOVERNMENT IMPROVEMENT

The Welsh Ministers

29 Welsh Ministers: powers of direction etc

- (1) This section applies in relation to a Welsh improvement authority if the Welsh Ministers are satisfied as to any of the following—
- (a) that—
 - (i) the authority has been the object of the exercise by the Welsh Ministers of their power under section 28 for the purpose of assisting the authority to comply with any of the requirements of this Part; and
 - (ii) the authority is failing, or is likely to fail, to comply with any of the requirements of this Part and that failure, or likely failure, concerns a requirement mentioned in sub-paragraph (i);
 - (b) that—
 - (i) the authority is failing, or is likely to fail, to comply with any of the requirements of this Part; and
 - (ii) the urgency of the situation or the potential consequences of the failure, or likely failure, are such that it is appropriate to exercise a power under this section despite the Welsh Ministers not having exercised their power under section 28 for the purpose of assisting the authority to comply with those requirements; or
 - (c) that—
 - (i) the authority is failing, or is likely to fail, to comply with any of the requirements of this Part;
 - (ii) the Welsh Ministers have decided that they wish to exercise their power under section 28 for the purpose of assisting the authority to comply with those requirements; and

Status: This is the original version (as it was originally enacted).

- (iii) the power under section 28 cannot be exercised effectively because the authority has failed to co-operate with the Welsh Ministers.
- (2) Where this section applies in relation to a Welsh improvement authority, the Welsh Ministers may direct it to do all or any of the following—
- (a) prepare or amend an improvement plan or to follow specified procedures in relation to such a plan;
 - (b) carry out a review of its exercise of specified functions;
 - (c) enter into specified collaboration arrangements with another Welsh improvement authority;
 - (d) set specified improvement objectives for itself under section 3.
- (3) Where this section applies in relation to a Welsh improvement authority, the Welsh Ministers may direct a local inquiry to be held into the exercise of specified functions of the authority.
- (4) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (inquiries) shall apply in relation to an inquiry which the Welsh Ministers direct to be held under this section as they apply in relation to an inquiry caused to be held under that section.
- (5) Where this section applies in relation to a Welsh improvement authority the Welsh Ministers may direct the authority to take any action which the Welsh Ministers consider necessary or expedient to secure its compliance with the requirements of this Part.
- (6) Where this section applies in relation to a Welsh improvement authority the Welsh Ministers may direct—
- (a) that a specified function of the authority must be exercised by the Welsh Ministers or a person nominated by them for a period specified in the direction or for so long as the Welsh Ministers consider appropriate; and
 - (b) that the authority must comply with any instructions of the Welsh Ministers or their nominee in relation to the exercise of that function and must provide such assistance as the Welsh Ministers or their nominee may require for the purpose of exercising the function.
- (7) The Welsh Ministers may by regulations make provision which—
- (a) relates to an enactment which confers a function on them in respect of a function of a Welsh improvement authority; and
 - (b) they consider necessary or expedient for the purposes of cases in which they make a direction under subsection (6)(a).
- (8) Regulations under subsection (7) may, in relation to the cases mentioned in subsection (6)(b)—
- (a) disapply or modify an enactment of the kind mentioned in subsection (7)(a);
 - (b) have an effect similar to the effect of an enactment of that kind.
- (9) A direction given under this section—
- (a) shall be enforceable by mandatory order on the application of the Welsh Ministers;
 - (b) may be published, in whole or in part, by the Welsh Ministers.