
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 150 of the Government of Wales Act 2006 which, among other things, allows the Secretary of State to make provision in consequence of Assembly Measures, Acts of the Assembly, Acts of Senedd Cymru, and subordinate legislation made under those (the name of the National Assembly for Wales was changed to Senedd Cymru or the Welsh Parliament with effect from 6 May 2020 by the Senedd and Elections (Wales) Act 2020 (anaw 1)).

Part 5 of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) allows the Welsh Ministers to establish by regulations corporate bodies known as “corporate joint committees”, for the purpose of exercising specified functions in relation to the areas of two or more county or county borough councils in Wales. Section 77 of the 2021 Act requires that the executive leaders of the county and county borough councils within the area covered by the corporate joint committee must be made members of the committee.

Four corporate joint committees have been established by regulations made under Part 5 of the 2021 Act: the North Wales Corporate Joint Committee, the Mid Wales Corporate Joint Committee, the South East Wales Corporate Joint Committee and the South West Wales Corporate Joint Committee.

This Order makes amendments in consequence of the power conferred on the Welsh Ministers by Part 5 of the 2021 Act to establish corporate joint committees.

Article 2 adds corporate joint committees to the definition of “local authority” in paragraph 1(a) of Schedule 4 to the National Loans Act 1968. The effect is that the Treasury may give loans to corporate joint committees out of the National Loans Fund. Corporate joint committees have the power to borrow money under section 1 of the Local Government Act 2003 (c. 26). Part 1 of the Local Government Act 2003 was applied to corporate joint committees by regulation 4 of, and paragraph 1 of Schedule 2 to, the Corporate Joint Committees (General) (Wales) Regulations 2021 (S.I. 2021/327 (W. 85)).

Article 3 amends section 119 of the Local Government Act 1972 so that the section applies to corporate joint committees in the same way it applies to county and county borough councils in Wales. The effect is that a corporate joint committee will be able to pay money owed to a deceased member of its staff without requiring a grant of probate or letters of administration, providing that the sum does not exceed £5000 and does not fall within certain categories of payment mentioned in subsection (1) of section 119. “Corporate joint committee” is defined for the purposes of the Local Government Act 1972 in section 270 of that Act.

Article 4 adds corporate joint committees to the definition of “local authority” in section 999(1) of the Income Tax Act 2007, which is the definition of “local authority” for the purposes of the Income Tax Acts. Section 838 of the Income Tax Act 2007, which provides that a local authority in the United Kingdom is not liable to income tax in respect of its income, will therefore apply to corporate joint committees.

Article 5 adds corporate joint committees to the definition of “local authority” in section 1130(1) of the Corporation Tax Act 2010, which is the definition of “local authority” for the purposes of the Corporation Tax Acts. Section 984 of the Corporation Tax Act 2010, which provides that a local authority in the United Kingdom is not liable to corporation tax, will therefore apply to corporate joint committees.

Article 6 adds corporate joint committees to the lists of bodies set out in the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 (“the 1999

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Order”). As a result, employment by a corporate joint committee and employment by one or more of the other bodies listed in the 1999 Order is in certain circumstances to be treated as continuous employment for the purposes of calculating a person’s entitlement to a redundancy payment under the Employment Rights Act 1996 (c. 18). The 1999 Order also provides that, subject to certain conditions, a person who would otherwise have been made redundant (and therefore would potentially be entitled to a statutory redundancy payment) by a body listed in that Order will not be redundant if that person is offered employment by another body listed in that Order.

Article 7 amends the Local Government Pension Scheme Regulations 2013 (“the 2013 Regulations”). Article 7(2) adds the four corporate joint committees which have been established to the list of bodies in Part 1 of Schedule 2 to the 2013 Regulations. The effect is that employees of those corporate joint committees will, subject to certain conditions, be eligible to be members of the pension scheme established by the 2013 Regulations. Article 7(3) amends the table in Part 2 of Schedule 3 to the 2013 Regulations, so as to specify which is the appropriate administering authority in relation to each of the four corporate joint committees.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.