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WELSH STATUTORY INSTRUMENTS

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**2003 No. 155 (W.25)**

**LOCAL GOVERNMENT, WALES**

**The Local Authorities (Alternative Arrangements)  
(Amendment) (Wales) Regulations 2003**

*Made* - - - - *29th January 2003*

*Coming into force* - - *10th February 2003*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by sections 32, 105 and 106 of the Local Government Act 2000<sup>(1)</sup>.

**Title, commencement and application**

1.—(1) These Regulations are called The Local Authorities (Alternative Arrangements) (Amendment) (Wales) Order 2003 and come into force on 10th February 2003.

(2) These Regulations apply to Wales.

**Amendment of Regulations**

2. Schedule 3 of The Local Authorities (Alternative Arrangements) (Wales) Regulations 2001<sup>(2)</sup> are amended as follows:

(a) the following is added to the table of Functions which are not to be the Sole Responsibility of an Authority's Board:

<i>Plans and Strategies</i>	<i>Reference</i>
Health and Well-Being Strategy	Section 24 of the National Health Service Reform and Health Care Professions Act 2002

(b) the entry "Children's Services Plan" in Column (1) and the related reference in Column (2) are repealed.

(c) the entry "Community Care Plan" in Column (1) and the related reference in Column (2) are repealed.

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(1) 2000 c. 22.

(2) S.I. 2001 No. 2284 (W.173) as amended by [The Parent Governor Representatives and Church Representatives \(Wales\) Regulations S.I. 2001 No. 3711 \(W.307\)](#) and [The Local Authorities \(Alternative Arrangements\) \(Amendment\) \(Wales\) Regulations S.I. 2002 No. 810 \(W.90\)](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3).

29th January 2003

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part II of the Local Government Act 2000 provides for the National Assembly for Wales to specify which local authorities may operate “alternative arrangements” i.e. arrangements for the discharge of an authority’s functions which do not involve the creation and operation of an executive in accordance with section 31(1)(b) and section 32(1).

The Local Authority (Alternative Arrangements) (Wales) Regulations 2001 permit all county councils and county borough councils in Wales to operate alternative arrangements provided that those arrangements are in the form required by those Regulations.

The Local Authority (Alternative Arrangements) (Wales) Regulations 2001 also specify which functions are not to be the responsibility of the authority’s Board or are to be the responsibility of such a Board only to a limited extent or only in specified circumstances.

Paragraphs (1) to (3) of Regulation 10 of the Local Authority (Alternative Arrangements) (Wales) Regulations 2001 allocate responsibility for various aspects of functions relating to the formulation and preparation of plans and strategies, of the descriptions specified in Schedule 3, between an authority and its Board.

Section 24 of the National Health Service Reform and Health Care Professions Act 2002 provides that it is a duty of local authorities in Wales to jointly formulate and implement a strategy, known as a “health and well-being strategy”, for the health and well-being of members of the public in each local authority’s area.

In order to ensure that the responsibility to adopt a health and well-being strategy is undertaken by the local authority and is a function categorised as one that is not the sole responsibility of the Board of an Authority, Schedule 3 of The Local Authority (Alternative Arrangements) (Wales) Regulations 2001 has been supplemented accordingly. Regulation 2 makes amendment to Schedule 3 to the Local Authority (Alternative Arrangements) (Wales) Regulations 2001. This amendment ensures that the responsibility for adopting a health and well-being strategy is a function that may not be the sole responsibility of the Board of an Authority.

In addition, the responsibilities to adopt a Children’s Services Plan and a Community Care Plan are removed from Schedule 3 of The Local Authority (Alternative Arrangements) (Wales) Regulations 2001.