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WELSH STATUTORY INSTRUMENTS

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**2021 No. 297**

**The Local Government and Elections (Wales) Act 2021  
(Commencement No. 2 and Saving Provisions) Order 2021**

**Savings: continuing application of the 2009 Measure in relation to principal councils**

4.—(1) Despite the coming into force of section 113 of the 2021 Act (by virtue of article 2(b)), the amendments made by that provision have no effect (and the 2009 Measure continues to apply as if section 113 had not come into force) in relation to—

- (a) a collaboration arrangement entered into, or agreed, before 1 April 2021, where at least one of the parties is a principal council;
- (b) the duty of a principal council to make arrangements in accordance with section 15 of the 2009 Measure for the publication of—
  - (i) the information described in subsection (2) of that section in so far as it relates to the financial year beginning on 1 April 2020;
  - (ii) a summary of any report referred to in subsection (4) of that section in respect of a special inspection of the authority that commenced before 1 April 2021 (whether or not the report was issued before that date);
- (c) the duty of the Auditor General for Wales to carry out an audit under section 17 of the 2009 Measure for the purpose of determining whether a principal council has, during the financial year beginning on 1 April 2020, discharged its duties under section 15(1) to (5) of the 2009 Measure, and the extent to which the authority has, during that year, acted in accordance with any guidance issued under section 15(8);
- (d) the duty of the Auditor General for Wales to issue, during the financial year beginning on 1 April 2021, a report or reports under section 19(1) of the 2009 Measure in respect of each principal council—
  - (i) certifying, in accordance with subsection (1)(a) of that section, that the Auditor General has carried out an audit under section 17 in respect of the financial year beginning on 1 April 2020;
  - (ii) stating, in accordance with subsection (1)(b) of that section, whether as a result of that audit, the Auditor General believes—
    - (aa) that the authority has discharged its duties under section 15(1) to (5) of the 2009 Measure, and
    - (bb) that the authority has acted in accordance with any guidance issued under section 15(8);
  - (iii) if the Auditor General thinks it appropriate in the light of that audit, recommending any of the matters set out in section 19(1)(f), (g) or (h)(1) of the 2009 Measure;
- (e) the duty of the Auditor General for Wales to send a copy of a report mentioned in subparagraph (d) in accordance with section 19(2) and (3) of the 2009 Measure and any order made by the Welsh Ministers under subsection (3)(b) of that section;

- (f) the power of the Welsh Ministers to issue a direction under section 19(4) of the 2009 Measure in relation to a report mentioned in sub-paragraph (d);
  - (g) the duty of a principal council to respond to a report mentioned in sub-paragraph (d) in accordance with section 20(1) to (3) and (5) of the 2009 Measure (and subsection (6) of that section continues to have effect for those purposes);
  - (h) the powers and duties of the Auditor General for Wales under section 21 of the 2009 Measure in respect of a special inspection of a principal council that commenced before 1 April 2021;
  - (i) the powers and duties of the Auditor General for Wales to issue, publish, and send copies of, a report under section 22 of the 2009 Measure in respect of a special inspection of a principal council that commenced before 1 April 2021, in accordance with subsections (2), (3) and (5) of that section;
  - (j) scales of fees prescribed by the Wales Audit Office under section 27 of the 2009 Measure in respect of—
    - (i) a special inspection of a principal council that commenced before 1 April 2021, or
    - (ii) an audit of a principal council conducted under section 17 of the 2009 Measure in relation to the financial year beginning on 1 April 2020;
  - (k) the powers and duties of a principal council and of the Wales Audit Office under section 27(3), (4) and (4A) in respect of—
    - (i) a special inspection of a principal council that commenced before 1 April 2021, or
    - (ii) an audit of a principal council conducted under section 17 of the 2009 Measure in relation to the financial year beginning on 1 April 2020;
  - (l) any support or assistance being provided to a principal council under section 28 of the 2009 Measure on 1 April 2021, and section 28 continues to have effect in respect of any such support or assistance after 1 April 2021;
  - (m) any direction given to a principal council under section 29 of the 2009 Measure before 1 April 2021, and section 29 continues to have effect in respect of any such direction after 1 April 2021;
  - (n) any direction given to a principal council under section 30 of the 2009 Measure before 1 April 2021, and section 30 continues to have effect in relation to any such direction after 1 April 2021.
- (2) Despite the coming into force of section 113 of the 2021 Act (by virtue of article 2(b)), the definition of “powers of collaboration” contained in section 11 of the 2009 Measure continues to have effect for the purpose of article 4(1)(b), as if section 113 had not come into force.