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WELSH STATUTORY INSTRUMENTS

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**2022 No. 355 (W. 88)**

**LOCAL GOVERNMENT, WALES**

**The Local Government and Elections (Wales) Act  
2021 (Consequential Amendments and Transitional  
Provision) (Chief Executives) Regulations 2022**

<i>Made</i>	- - - -	<i>22 March 2022</i>
<i>Laid before Senedd Cymru</i>		<i>25 March 2022</i>
<i>Coming into force</i>	- -	<i>5 May 2022</i>

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 173(1) of the Local Government and Elections (Wales) Act 2021(1) and section 8(4) of the Local Government and Housing Act 1989(2).

**Title and commencement**

1.—(1) The title of these Regulations is the Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022.

(2) These Regulations come into force on 5 May 2022.

**The Local Authorities (Contracts) Regulations 1997**

2.—(1) The Local Authorities (Contracts) Regulations 1997(3) are amended as follows.

(2) In regulation 7(3) (signature of certificates – authorities with a chief finance officer), after “1989 Act” insert “other than a county council or county borough council in Wales.”

(3) After regulation 7(3), insert—

“(4) A county council or county borough council in Wales which is under a duty to appoint a chief executive under section 54 of the Local Government and Elections (Wales) Act 2021 must ensure that a certificate issued by it is signed by one of the following officers of the council—

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(1) 2021 asc 1.

(2) 1989 c. 42. Functions of the Secretary of State under section 8(4) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by virtue of article 2(1) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(3) S.I. 1997/2862.

- (a) one of the statutory chief officers within the meaning given to that expression in section 2(6) of the 1989 Act;
- (b) a non-statutory chief officer within the meaning given to that expression in section 2(7) of the 1989 Act; or
- (c) a deputy chief officer within the meaning given to that expression in section 2(8) of the 1989 Act.”

### **The Local Authorities (Standing Orders) (Wales) Regulations 2006**

3.—(1) The Local Authorities (Standing Orders) (Wales) Regulations 2006(4) are amended as follows.

(2) In regulation 2(5) (interpretation)—

(a) in the definition of “chief officer”, for paragraph (a) substitute—

“(a) its chief executive;”;

(b) omit the definition of “head of the authority’s paid service”;

(c) in the appropriate place, insert—

““chief executive” (“*prif weithredwr*”) means the person appointed as chief executive under section 54 of the Local Government and Elections (Wales) Act 2021;”.

(3) In regulation 7(2)(a)(6) (standing orders relating to staff), for “head of the authority’s paid service” substitute “authority’s chief executive”.

(4) In regulation 8(1)(7) (standing orders in respect of disciplinary action), for “head of the authority’s paid service” substitute “authority’s chief executive”.

(5) For regulation 9(1A)(a)(8) (investigation of alleged misconduct) substitute—

“(a) the authority’s chief executive;”.

(6) In Part 1 of Schedule 3(9) (authority with mayor and cabinet executive)—

(a) in paragraph 2, for the words from “the officer designated” to the end, substitute “the person appointed as the authority’s chief executive or by an officer nominated by the authority’s chief executive”;

(b) for paragraph 3(1)(a) substitute—

“(a) the person appointed as the authority’s chief executive;”;

(c) in paragraph 4(1), for “an officer designated as the head of the authority’s paid service” substitute “a person appointed as the authority’s chief executive”.

(7) In Part 2 of Schedule 3(10) (authority with leader and cabinet executive)—

(a) in paragraph 2, for the words from “the officer designated” to the end, substitute “the person appointed as the authority’s chief executive or by an officer nominated by the authority’s chief executive”;

(b) for paragraph 3(1)(a) substitute—

“(a) the person appointed as the authority’s chief executive;”;

(4) [S.I. 2006/1275 \(W. 121\)](#).

(5) To which there are amendments not relevant to these Regulations.

(6) Regulation 7 was substituted by regulation 6 of [S.I. 2014/1514 \(W. 155\)](#).

(7) Regulation 8 was amended by regulation 7 of [S.I. 2014/1514](#).

(8) Regulation 9(1A) was substituted by regulation 8 of [S.I. 2014/1514](#).

(9) Part 1 of Schedule 3 was amended by regulation 10(1) of [S.I. 2014/1514](#).

(10) Part 2 of Schedule 3 was amended by regulation 10(2) of [S.I. 2014/1514](#).

(c) in paragraph 4(1), for “an officer designated as the head of the authority’s paid service” substitute “a person appointed as the authority’s chief executive”.

(8) In Schedule 4(11) (provisions to be incorporated in standing orders in respect of disciplinary action)—

(a) in paragraph 1, for “head of the authority’s paid service” (“*pennaeth gwasanaeth taledig yr awdurdod*”) substitute ““chief executive” (“*prif weithredwr*”);

(b) in paragraph 2(1), for “the head of the authority’s paid service” substitute “the authority’s chief executive”.

### **The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007**

4.—(1) Paragraph 12 of Part I (miscellaneous functions) of the table in Schedule 1 (functions not to be the responsibility of an authority’s executive) to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007(12) is amended as follows.

(2) For the entry in column 1, substitute “Duty to appoint a chief executive, and to provide staff, etc.”

(3) For the entry in column 2, substitute “Section 54(1) and (6) of the Local Government and Elections (Wales) Act 2021.”

### **The Local Authorities (Model Code of Conduct) (Wales) Order 2008**

5. In the Local Authorities (Model Code of Conduct) (Wales) Order 2008(13), in paragraph 8(a) (i) of Part 1 of the Schedule (the model code of conduct), at the end insert “for authorities other than county councils and county borough councils, and the authority’s chief executive if the authority is a county council or county borough council”.

### **The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (Wales) Regulations 2013**

6. In the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (Wales) Regulations 2013(14), for regulation 3(5)(a) (authorisations by billing authorities) substitute—

“(a) the chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021; or”.

### **The Accounts and Audit (Wales) Regulations 2014**

7.—(1) In the Accounts and Audit (Wales) Regulations 2014(15), regulation 9(8) (declaration of remuneration) is amended as follows.

(2) In the definition of “chief executive”—

(a) in paragraph (a), omit the words “county council or county borough council,”;

(b) after sub-paragraph (a) insert—

“(aa) in the case of a relevant body which is a county council or county borough council, the chief executive appointed under section 54 of the 2021 Act;”.

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(11) Schedule 4 was amended by regulation 11 of [S.I. 2014/1514](#).

(12) [S.I. 2007/399 \(W. 45\)](#), to which there are amendments not relevant to these Regulations.

(13) [S.I. 2008/788 \(W. 82\)](#).

(14) [S.I. 2013/588 \(W. 67\)](#), to which there are amendments not relevant to these Regulations.

(15) [S.I. 2014/3362 \(W. 337\)](#), to which there are amendments not relevant to these Regulations.

(3) in the definition of “senior employee”, for paragraph (a)(i) substitute—

“(i) in the case of a relevant body other than a county council or county borough council, has been designated as head of paid service under section 4 of that Act, and in the case of a county council or county borough council, has been appointed as chief executive under section 54 of the 2021 Act;”.

#### **The Prevention of Social Housing Fraud (Detection of Fraud) (Wales) Regulations 2014**

**8.** In the Prevention of Social Housing Fraud (Detection of Fraud) (Wales) Regulations 2014(16), for regulation 3(5)(a) (authorisation by local authorities) substitute—

“(a) the officer appointed as chief executive under section 54 of the Local Government and Elections (Wales) Act 2021; or”.

#### **Transitional provision relating to current officers designated as heads of paid service**

**9.—(1)** The officer designated as the head of the county council or county borough council’s paid service immediately before 5 May 2022 is to be treated as the chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021.

(2) The officer designated as the head of the county council or county borough council’s paid service immediately before 5 May 2022 is not subject to the appointment process under paragraphs 1 and 2 of Part 1 of Schedule 1 to the Local Authorities (Standing Orders) (Wales) Regulations 2006 for the purposes of paragraph (1).

#### **Revocation**

**10.** Regulation 11 (transitional and consequential provisions) of the Local Authorities (Standing Orders) (Wales) Regulations 2006 is revoked.

22 March 2022

*Rebecca Evans*  
Minister for Finance and Local Government, one  
of the Welsh Ministers

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## EXPLANATORY NOTE

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

These Regulations make amendments which are consequential on section 54 of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”). Section 54 requires principal councils (county councils and county borough councils) to appoint a chief executive. This requirement replaces the requirement on principal councils to designate one of their officers as head of their paid service under section 4 of the Local Government and Housing Act 1989 (“the 1989 Act”).

Regulation 9(1) is a transitional provision, which provides that the officer that is designated as the head of the authority’s paid service under section 4 of the 1989 Act immediately before 5 May 2022 is to be treated as the chief executive under section 54 of the 2021 Act. Regulation 9(2) provides that the appointment regime as set out in paragraphs 1 and 2 of Part 1 of Schedule 1 to the Local Authorities (Standing Orders) (Wales) Regulations 2006 does not apply to heads of paid service treated as chief executives under regulation 9(1).

Regulation 10 revokes regulation 11 of the Local Authorities (Standing Orders) (Wales) Regulations 2006.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.