

2022 No. (W.)

**LOCAL GOVERNMENT,
WALES**

**The Corporate Joint Committees
(General) (Wales) Regulations 2022**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made as part of a suite of regulations connected with the establishment of corporate joint committees in Wales by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.

There are 9 Parts to these Regulations.

Part 1 makes general provision about commencement and interpretation.

Part 2 applies Part 3 of the Local Government Act 2000 (“the 2000 Act”) to corporate joint committees. Any member of a corporate joint committee and any person appointed to a sub-committee of the corporate joint committee and entitled to vote on matters to be decided by that sub-committee (referred to as a “co-opted member” in the 2000 Act) is required to comply with the code of conduct adopted by the corporate joint committee. Allegations of non-compliance are investigated by the Public Service Ombudsman for Wales and decided by the Adjudication Panel for Wales. Failure to comply may lead to suspension or disqualification. Part 2 also applies sections 92 (payments in cases of maladministration etc.) and 101 (indemnification of members and officers) of the 2000 Act to corporate joint committees.

Part 3 amends each set of regulations establishing the four existing corporate joint committees so as to make provision about the appointment of temporary members in the event that a council or National Park authority member is unable to act as a member by virtue of being suspended.

Part 4 makes provision about the commercial activities of a corporate joint committee.

Part 5 makes provision about other financial matters. These include a requirement for the four existing corporate joint committees to maintain a general fund and functions in respect of specific types of contract and insurance conferred on corporate joint committees generally.

Part 6 makes provision about the rights of a corporate joint committee to bring and defend legal proceedings.

Part 7 makes provision about records and service of notices and documents to and by a corporate joint committee.

Part 8 makes provision about staffing and workforce matters such as rights of staff to certain leave and allowances and powers of the corporate joint committee to indemnify and otherwise limit the personal liability of staff.

Part 9 makes miscellaneous provision.

These Regulations are connected with the regulations which established certain corporate joint committees under Part 5 of the Local Government and Elections (Wales) Act 2021 and which came into force on 1 April 2021 and 30 June 2021. A regulatory impact assessment was prepared at the time of making those establishment regulations and a copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2022 No. (W.)

**LOCAL GOVERNMENT,
WALES**

**The Corporate Joint Committees
(General) (Wales) Regulations 2022**

Made ***

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred on them by sections 80(1), 83(2), 84 and 174 of the Local Government and Elections (Wales) Act 2021(1), make the following Regulations.

In accordance with section 82(2),(3)(a) and (d) of that Act, the Welsh Ministers have consulted such persons as they consider appropriate on a draft of the regulations and have given notice of their intention to the principal councils in the corporate joint committees' areas and to the corporate joint committees.

A draft of this instrument has been laid before and approved by a resolution of Senedd Cymru in accordance with section 174(4) and (5) of that Act.

PART 1

Introduction

Title and coming into force

1.—(1) The title of these Regulations is the Corporate Joint Committees (General) (Wales) Regulations 2022.

(2) The Regulations come into force on ****.

(1) 2021 asc 1.

Interpretation

2. In these Regulations—

“the 1972 Act” (“*Deddf 1972*”) means the Local Government Act 1972⁽¹⁾;

“the 1989 Act” (“*Deddf 1989*”) means the Local Government and Housing Act 1989⁽²⁾;

“the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000⁽³⁾;

“the 2003 Act” (“*Deddf 2003*”) means the Local Government Act 2003⁽⁴⁾

“corporate joint committee” (“*cyd-bwyllgor corfforedig*”) means a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.

PART 2

Conduct

3.—(1) The 2000 Act is amended as follows.

(2) In section 49—

(a) in subsection (6), after paragraph (b) insert—

“(ba) a corporate joint committee;”;

(b) after subsection (7) insert—

“(8) In this Part, “corporate joint committee” means a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”

(3) In section 51—

(a) after subsection (7) insert—

“(7A) But subsections (6)(a) and (b) and (7) do not apply in relation to a corporate joint committee.

(7B) As soon as reasonably practicable after adopting or revising a code of conduct under this section, a corporate joint committee must publish the code or revised code electronically.”

;

(b) in subsection (9)—

(i) after “1972” insert “or regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021”;

(1) 1972 c. 70.
(2) 1989 c. 42.
(3) 2000 c. 22.
(4) 2003 c. 26.

(ii) for “that section applies” substitute “that section or regulation, applies”.

(4) In section 52—

(a) in subsection (1), for “A person” substitute “Subject to subsection (1A), a person”;

(b) after subsection (1) insert—

“(1A) This section does not apply in the case of a member or co-opted member of a corporate joint committee (as to which see section 52ZA).”

(5) After section 52 insert—

“52ZA Duty to comply with code of conduct for corporate joint committees

(1) A person who is a member or co-opted member of a corporate joint committee, must observe a code of conduct adopted by the committee under section 51, including a code revised under subsection (3)(b) of that section.

(2) In relation to a corporate joint committee whose members or co-opted members are subject to mandatory provisions by virtue of section 51(5)(b), the reference in subsection (1) to the code of conduct adopted by the committee includes the mandatory provisions which for the time being apply to the members or co-opted members of the corporate joint committee.”

(6) In section 53—

(a) after subsection (1) insert—

“(1ZA) But the power to establish a joint committee under subsection (1) does not apply to a corporate joint committee.

(1ZB) In subsection (1) a reference to a committee, in relation to a corporate joint committee, is a reference to a sub-committee.”;

(b) in subsection (1A), after “is a reference to” insert “a sub-committee,”;

(c) after subsection (12) insert—

“(12A) The provision which may be made by virtue of subsection (11)(f) to (j) in relation to a corporate joint committee includes provision which disapplies or modifies any provision which applies to a sub-committee of a corporate joint committee by virtue of any enactment.”

(7) In section 54A, in subsection (1), after “a relevant authority” insert “, other than a corporate joint committee,”.

(8) In section 56B, in subsection (7), after “1972” insert “, or in the case of a relevant authority that is a corporate joint committee, regulation 13 of the

Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021”.

(9) In section 71—

(a) in subsection (1)—

(i) omit “and” after paragraph (c);

(ii) after paragraph (c) insert—

“(ca) where the relevant authority concerned is a corporate joint committee, in the case of a member or co-opted member of the corporate joint committee who is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority, an office-holder of which is eligible to be appointed as a member of the corporate joint committee,

the Ombudsman must send a copy of any such report to the monitoring officer of that constituent council or National Park authority (in addition to sending a copy of the report to the monitoring officer of the corporate joint committee in accordance with paragraph (c)),”;

(iii) after paragraph (d) insert “, and” and then insert—

“(da) where the relevant authority concerned is a corporate joint committee, in the case of a member or co-opted member of the corporate joint committee who is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority, an office-holder of which is eligible to be appointed as a member of the corporate joint committee,

where the Ombudsman does not produce any such report the Ombudsman must inform the monitoring officer of that constituent council or National Park authority of the outcome of the investigation (in addition to informing the monitoring officer of the corporate joint committee in accordance with paragraph (d)).”;

(b) after subsection (2) insert—

“(2A) Where the Ombudsman determines in the case of a member or co-opted member of a

corporate joint committee who is also a member or co-opted member of—

- (a) a constituent council of the corporate joint committee;
- (b) a National Park authority, an office-holder of which is eligible to be appointed as a member of the corporate joint committee,

that a finding under section 69(4)(c) is appropriate, in addition to taking the steps set out in subsection (2) the Ombudsman must send a copy of the report to the monitoring officer and standards committee of that constituent council or National Park authority.”;

(c) after subsection (3) insert—

“(3A) Where the Ombudsman determines in the case of a member or co-opted member of a corporate joint committee who is also a member or co-opted member of—

- (a) a constituent council of the corporate joint committee;
- (b) a National Park authority, an office-holder of which is eligible to be appointed as a member of the corporate joint committee,

that a finding under section 69(4)(d) is appropriate, in addition to taking the steps set out in subsection (3) the Ombudsman must send a copy of the report to the monitoring officer of that constituent council or National Park authority.”;

(d) after subsection (6) insert—

“(7) In this Part—

- (a) a reference to a constituent council of a corporate joint committee means a constituent council as set out in the regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 which established the corporate joint committee;
- (b) a reference to a National Park authority an office-holder of which is eligible to be appointed as a member of a corporate joint committee, is to be construed in accordance with the regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.”

(10) In section 72(5), after paragraph (b) (and before “and”) insert—

“(ba) where the relevant authority concerned is a corporate joint

committee, in the case of a member or co-opted member of the corporate joint committee who is also a member or co-opted member of—

- (i) a constituent council of the corporate joint committee;
- (ii) a National Park authority, an office-holder of which is eligible to be appointed as a member of the corporate joint committee,

to the monitoring officer of that constituent council or National Park authority (in addition to being given to the monitoring officer of the corporate joint committee in accordance with paragraph (b)).”

(11) In section 78(7)—

- (a) omit “and” after paragraph (a);
- (b) after paragraph (b) insert “, and” and then insert—

“(ba) where the relevant authority concerned is a corporate joint committee, in the case of a member or co-opted member of the corporate joint committee who is also a member or co-opted member of—

- (i) a constituent council of the corporate joint committee;
- (ii) a National Park authority, an office-holder of which is eligible to be appointed as a member of the corporate joint committee,

to the monitoring officer of that constituent council or National Park authority (in addition to being given to the monitoring officer of the corporate joint committee in accordance with paragraph (b)).”

(12) In section 79, after subsection (12) insert—

“(12A) In the case of a member or co-opted member of a corporate joint committee who is also a member or co-opted member of—

- (a) a constituent council of the corporate joint committee;
- (b) a National Park authority, an office-holder of which is eligible to be appointed as a member of the corporate joint committee;

a copy of any notice under this section must be given to the monitoring officer of that constituent council or National Park authority

(in addition to the steps required by subsection (12) being taken).”

- (13) In section 80, in subsection (4)—
- (a) after “1972” insert “or regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021”;
 - (b) for “that section applies” substitute “that section or regulation, applies”.
- (14) In section 81, after subsection (7) insert—
- “(7ZA) But subsections (6) and (7) do not apply in relation to a corporate joint committee.
- (7ZB) A relevant authority which is a corporate joint committee must publish electronically the register maintained under subsection (1).”
- (15) In section 83(1)—
- (a) after the definition of “code of conduct” insert—

““constituent council”, in relation to a corporate joint committee, has the meaning given by section 71(7)(a),”;
 - (b) after the definition of “co-opted member” insert—

““corporate joint committee” has the meaning given by section 49(8),”;
 - (c) after the definition of “model code of conduct” insert—

““National Park authority, an office-holder of which is eligible to be appointed as a member of the corporate joint committee” has the meaning given by section 71(7)(b),”

PART 3

Suspension of members and appointment of temporary members

The Mid Wales Corporate Joint Committee Regulations 2021

4.—(1) The Mid Wales Corporate Joint Committee Regulations 2021(1) are amended as follows.

(2) In regulation 7 (council members), after paragraph (2) insert—

“(2A) Paragraphs (2B) to (2H) apply where a council member is suspended from being a member of the Mid Wales CJC.

(1) 2021 No. 342 (W. 96).

(2B) The constituent council of which the suspended council member is a member must, as soon as reasonably practicable, appoint another member of its executive as a temporary member of the Mid Wales CJC.

(2C) A temporary member appointed under paragraph (2B) is appointed until—

- (a) the period for which the council member is suspended expires,
- (b) the temporary member resigns or is disqualified as a member of the Mid Wales CJC, or
- (c) the temporary member resigns or is disqualified as a member of the constituent council,

whichever is the sooner.

(2D) For the purposes of these Regulations (other than this regulation), and any other enactment, a temporary member appointed under paragraph (2B) is to be treated as a council member of the Mid Wales CJC.

(2E) Paragraphs (2A) to (2D) apply in the case of a council member who is partially suspended as they apply in the case of a council member who is suspended.

(2F) But, where the council member—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the Mid Wales CJC,

the temporary member may not act in relation to the discharge of that function.

(2G) In the event that a temporary member appointed under paragraph (2B)—

- (a) resigns,
- (b) is disqualified, or
- (c) is suspended,

from being a member of the Mid Wales CJC during the period for which the council member is suspended, the constituent council must appoint a replacement, (or, if the temporary member is suspended, additional) temporary member under paragraph (2B).

(2H) But where the temporary member—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the Mid Wales CJC,

the additional temporary member may not act in relation to the discharge of that function.”

(3) In regulation 8, after paragraph (3) insert—

“(3A) Paragraphs (3B) to (3H) apply where the Brecon Beacons member is suspended from being a member of the Mid Wales CJC.

(3B) The authority must, as soon as reasonably practicable, appoint one of the other office-holders mentioned in paragraph (2) as a temporary member of the Mid Wales CJC.

(3C) A temporary member is appointed until—

- (a) the period for which the Brecon Beacons member is suspended expires,
- (b) the temporary member resigns or is disqualified as a member of the Mid Wales CJC, or
- (c) the temporary member resigns or is disqualified as a member of the authority,

whichever is the sooner.

(3D) For the purposes of these Regulations (other than this regulation), and any other enactment, a temporary member appointed under paragraph (3B) is to be treated as the Brecon Beacons member.

(3E) Paragraphs (3A) to (3D) apply where the Brecon Beacons member is partially suspended as they apply where the Brecon Beacons member is suspended.

(3F) But, where the Brecon Beacons member—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the Mid Wales CJC,

the temporary member may not act in relation to the discharge of that function.

(3G) In the event that a temporary member appointed under paragraph (3B)—

- (a) resigns,
- (b) is disqualified, or
- (c) is suspended,

from being a member of the Mid Wales CJC during the period for which the Brecon Beacons member is suspended, the authority must appoint a replacement, (or, if the temporary member is suspended, additional) temporary member under paragraph (3B).

(3H) But where the temporary member—

- (a) is partially suspended, and

- (b) may continue to act in relation to the discharge of any function of the Mid Wales CJC,

the additional temporary member may not act in relation to the discharge of that function or of any function in relation to which the Brecon Beacons member may continue to act.”

The North Wales Corporate Joint Committee Regulations 2021

5.—(1) The North Wales Corporate Joint Committee Regulations 2021⁽¹⁾ are amended as follows.

(2) In regulation 7 (council members), after paragraph (2) insert—

“(2A) Paragraphs (2B) to (2H) apply where a council member is suspended from being a member of the North Wales CJC.

(2B) The constituent council of which the suspended council member is a member must, as soon as reasonably practicable, appoint another member of its executive as a temporary member of the North Wales CJC.

(2C) A temporary member appointed under paragraph (2B) is appointed until—

- (a) the period for which the council member is suspended expires,
- (b) the temporary member resigns or is disqualified as a member of the North Wales CJC, or
- (c) the temporary member resigns or is disqualified as a member of the constituent council,

whichever is the sooner.

(2D) For the purposes of these Regulations (other than this regulation), and any other enactment, a temporary member appointed under paragraph (2B) is to be treated as a council member of the North Wales CJC.

(2E) Paragraphs (2A) to (2D) apply in the case of a council member who is partially suspended as they apply in the case of a council member who is suspended.

(2F) But, where the council member—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the North Wales CJC,

⁽¹⁾ S.I. 2021 No. 339 (W. 93).

the temporary member may not act in relation to the discharge of that function.

(2G) In the event that a temporary member appointed under paragraph (2B)—

- (a) resigns,
- (b) is disqualified, or
- (c) is suspended,

from being a member of the North Wales CJC during the period for which the council member is suspended, the constituent council must appoint a replacement, (or, if the temporary member is suspended, additional) temporary member under paragraph (2B).

(2H) But where the temporary member—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the North Wales CJC,

the additional temporary member may not act in relation to the discharge of that function.”

(3) In regulation 8, after paragraph (3) insert—

“(3A) Paragraphs (3B) to (3H) apply where the Snowdonia member is suspended from being a member of the North Wales CJC.

(3B) The authority must, as soon as reasonably practicable, appoint one of the other office-holders mentioned in paragraph (2) as a temporary member of the North Wales CJC.

(3C) A temporary member is appointed until—

- (a) the period for which the Snowdonia member is suspended expires,
- (b) the temporary member resigns or is disqualified as a member of the North Wales CJC, or
- (c) the temporary member resigns or is disqualified as a member of the authority,

whichever is the sooner.

(3D) For the purposes of these Regulations (other than this regulation), and any other enactment, a temporary member appointed under paragraph (3B) is to be treated as the Snowdonia member.

(3E) Paragraphs (3A) to (3D) apply where the Snowdonia member is partially suspended as they apply where the Snowdonia member is suspended.

(3F) But, where the Snowdonia member—

- (a) is partially suspended, and

- (b) may continue to act in relation to the discharge of any function of the North Wales CJC,

the temporary member may not act in relation to the discharge of that function.

(3G) In the event that a temporary member appointed under paragraph (3B)—

- (a) resigns,
- (b) is disqualified, or
- (c) is suspended,

from being a member of the North Wales CJC during the period for which the Snowdonia member is suspended, the authority must appoint a replacement, (or, if the temporary member is suspended, additional) temporary member under paragraph (3B).

(3H) But where the temporary member—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the North Wales CJC,

the additional temporary member may not act in relation to the discharge of that function or of any function in relation to which the Snowdonia member may continue to act.”

The South East Wales Corporate Joint Committee Regulations 2021

6.—(1) The South East Wales Corporate Joint Committee Regulations 2021(1) are amended as follows.

(2) In regulation 7 (council members), after paragraph (2) insert—

“(2A) Paragraphs (2B) to (2H) apply where a council member is suspended from being a member of the South East Wales CJC.

(2B) The constituent council of which the suspended council member is a member must, as soon as reasonably practicable, appoint another member of its executive as a temporary member of the South East Wales CJC.

(2C) A temporary member appointed under paragraph (2B) is appointed until—

- (a) the period for which the council member is suspended expires,
- (b) the temporary member resigns or is disqualified as a member of the South East Wales CJC, or

(1) S.I. 2021 No. 343 (W. 97)

- (c) the temporary member resigns or is disqualified as a member of the constituent council,

whichever is the sooner.

(2D) For the purposes of these Regulations (other than this regulation), and any other enactment, a temporary member appointed under paragraph (2B) is to be treated as a council member of the South East Wales CJC.

(2E) Paragraphs (2A) to (2D) apply in the case of a council member who is partially suspended as they apply in the case of a council member who is suspended.

(2F) But, where the council member—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the South East Wales CJC,

the temporary member may not act in relation to the discharge of that function.

(2G) In the event that a temporary member appointed under paragraph (2B)—

- (a) resigns,
- (b) is disqualified, or
- (c) is suspended,

from being a member of the South East Wales CJC during the period for which the council member is suspended, the constituent council must appoint a replacement, (or, if the temporary member is suspended, additional) temporary member under paragraph (2B).

(2H) But where the temporary member—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the South East Wales CJC,

the additional temporary member may not act in relation to the discharge of that function.”

(3) In regulation 8, after paragraph (3) insert—

“(3A) Paragraphs (3B) to (3H) apply where the Brecon Beacons member is suspended from being a member of the South East Wales CJC.

(3B) The authority must, as soon as reasonably practicable, appoint one of the other office-holders mentioned in paragraph (2) as a temporary member of the South East Wales CJC.

(3C) A temporary member is appointed until—

- (a) the period for which the Brecon Beacons member is suspended expires,
- (b) the temporary member resigns or is disqualified as a member of the South East Wales CJC, or
- (c) the temporary member resigns or is disqualified as a member of the authority,

whichever is the sooner.

(3D) For the purposes of these Regulations (other than this regulation), and any other enactment, a temporary member appointed under paragraph (3B) is to be treated as the Brecon Beacons member.

(3E) Paragraphs (3A) to (3D) apply where the Brecon Beacons member is partially suspended as they apply where the Brecon Beacons member is suspended.

(3F) But, where the Brecon Beacons member—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the South East Wales CJC,

the temporary member may not act in relation to the discharge of that function.

(3G) In the event that a temporary member appointed under paragraph (3B)—

- (a) resigns,
- (b) is disqualified, or
- (c) is suspended,

from being a member of the South East Wales CJC during the period for which the Brecon Beacons member is suspended, the authority must appoint a replacement, (or, if the temporary member is suspended, additional) temporary member under paragraph (3B).

(3H) But where the temporary member—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the South East Wales CJC,

the additional temporary member may not act in relation to the discharge of that function or of any function in relation to which the Brecon Beacons member may continue to act.”

The South West Wales Corporate Joint Committee Regulations 2021

7.—(1) The South West Wales Corporate Joint Committee Regulations 2021⁽¹⁾ are amended as follows.

(2) In regulation 7 (council members),

(a) after paragraph (2) insert—

“(2A) Paragraphs (2B) to (2H) apply where a council member is suspended from being a member of the South West Wales CJC.

(2B) The constituent council of which the suspended council member is a member must, as soon as reasonably practicable, appoint another member of its executive as a temporary member of the South West Wales CJC.

(2C) A temporary member appointed under paragraph (2B) is appointed until—

- (a) the period for which the council member is suspended expires,
- (b) the temporary member resigns or is disqualified as a member of the South West Wales CJC, or
- (c) the temporary member resigns or is disqualified as a member of the constituent council,

whichever is the sooner.

(2D) For the purposes of these Regulations (other than this regulation), and any other enactment, a temporary member appointed under paragraph (2B) is to be treated as a council member South West Wales CJC.

(2E) Paragraphs (2A) to (2D) apply in the case of a council member who is partially suspended as they apply in the case of a council member who is suspended.

(2F) But, where the council member—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the South West Wales CJC,

the temporary member may not act in relation to the discharge of that function.

(2G) In the event that a temporary member appointed under paragraph (2B)—

- (a) resigns,
- (b) is disqualified, or
- (c) is suspended,

(1) S.I. 2021 No. 352 (W. 104).

from being a member of the South West Wales CJC during the period for which the council member is suspended, the constituent council must appoint a replacement, (or, if the temporary member is suspended, additional) temporary member under paragraph (2B).

(2H) But where the temporary member—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the South West Wales CJC,

the additional temporary member may not act in relation to the discharge of that function.”

(3) In regulation 8, after paragraph (3) insert—

“(3A) Paragraphs (3B) to (3H) apply where the Brecon Beacons member or the Pembrokeshire Coast member is suspended from being a member of the South West Wales CJC.

(3B) The National Park authority of which the member who is suspended (“SM”) is also a member must, as soon as reasonably practicable, appoint one of the other office-holders mentioned in paragraph (2) as a temporary member of the South West Wales CJC.

(3C) A temporary member is appointed until—

- (a) the period for which SM is suspended expires,
- (b) the temporary member resigns or is disqualified as a member of the South West Wales CJC, or
- (c) the temporary member resigns or is disqualified as a member of the authority,

whichever is the sooner.

(3D) For the purposes of these Regulations (other than this regulation), and any other enactment, a temporary member appointed under paragraph (3B) is to be treated as SM.

(3E) Paragraphs (3A) to (3D) apply where SM is partially suspended as they apply where SM is suspended.

(3F) But, where SM—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the South West Wales CJC,

the temporary member may not act in relation to the discharge of that function.

(3G) In the event that a temporary member appointed under paragraph (3B)—

- (a) resigns,
- (b) is disqualified, or
- (c) is suspended,

from being a member of the South West Wales CJC during the period for which the SM is suspended, the authority must appoint a replacement, (or, if the temporary member is suspended, additional) temporary member under paragraph (3B).

(3H) But where the temporary member—

- (a) is partially suspended, and
- (b) may continue to act in relation to the discharge of any function of the South West Wales CJC,

the additional temporary member may not act in relation to the discharge of that function or of any function in relation to which SM may continue to act.”

PART 4

Commercial activities and controlled entities
etc.

Power to trade through a company

8. In section 95(7) of the 2003 Act (power to trade in function-related activities through a company), in the definition of “relevant authority”, after paragraph (aa) insert—

“(aaa) a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”

Orders relating to companies in which a corporate joint committee has an interest

9. In section 67(3) of the 1989 Act (application of Part relating to companies in which local authorities have an interest), after paragraph (aa) insert—

“(ab) a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”

Orders relating to entities controlled etc. by a corporate joint committee

10. In section 212(7) of the Local Government and Public Involvement in Health Act 2007⁽¹⁾, in the definition of “local authority”, in paragraph (a), after “commissioner” insert “but including a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”.

Investment schemes

11. In section 11(4)(a) of the Trustee Investments Act 1961⁽²⁾, after “Fire and Rescue Services Act 2004” insert “, a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”.

PART 5

Financial matters

Requirement to maintain general fund

12.—(1) After regulation 17 of the Mid Wales Corporate Joint Committee Regulations 2021 (funding of budget requirement) insert—

“General Fund

17A.—(1) The Mid Wales CJC must establish and maintain a fund to be known as the Mid Wales CJC’s general fund.

(2) Any sums received by the Mid Wales CJC (including sums received under regulation 17(1) or (2)) must be paid into its general fund.

(3) All payments made by the Mid Wales CJC must be made out of its general fund.

(4) The Mid Wales CJC must keep an account of receipts paid into, and payments made out of, its general fund.

(5) Paragraphs (2) and (3) do not apply to any sums to be paid into, or out of, an external fund within the meaning given by section 17 of the Local Government Act 2003.”

(2) After regulation 17 of the North Wales Corporate Joint Committee Regulations 2021 (funding of budget requirement) insert—

(1) 2007 c. 28
(2) 1961 c. 62

“General Fund

17A.—(1) The North Wales CJC must establish and maintain a fund to be known as the North Wales CJC’s general fund.

(2) Any sums received by the North Wales CJC (including sums received under regulation 17(1) or (2)) must be paid into its general fund.

(3) All payments made by the North Wales CJC must be made out of its general fund.

(4) The North Wales CJC must keep an account of receipts paid into, and payments made out of, its general fund.

(5) Paragraphs (2) and (3) do not apply to any sums to be paid into, or out of, an external fund within the meaning given by section 17 of the Local Government Act 2003.”

(3) After regulation 17 of the South East Wales Corporate Joint Committee Regulations 2021 (funding of budget requirement) insert—

“General Fund

17A.—(1) The South East Wales CJC must establish and maintain a fund to be known as the South East Wales CJC’s general fund.

(2) Any sums received by the South East Wales CJC (including sums received under regulation 17(1) or (2)) must be paid into its general fund.

(3) All payments made by the South East Wales CJC must be made out of its general fund.

(4) The South East Wales CJC must keep an account of receipts paid into, and payments made out of, its general fund.

(5) Paragraphs (2) and (3) do not apply to any sums to be paid into, or out of, an external fund within the meaning given by section 17 of the Local Government Act 2003.”

(4) After regulation 17 of the South West Wales Corporate Joint Committee Regulations 2021 (funding of budget requirement) insert—

“General Fund

17A.—(1) The South West Wales CJC must establish and maintain a fund to be known as the South West Wales CJC’s general fund.

(2) Any sums received by the South West Wales CJC (including sums received under regulation 17(1) or (2)) must be paid into its general fund.

(3) All payments made by the South West Wales CJC must be made out of its general fund.

(4) The South West Wales CJC must keep an account of receipts paid into, and payments made out of, its general fund.

(5) Paragraphs (2) and (3) do not apply to any sums to be paid into, or out of, an external fund within the meaning given by section 17 of the Local Government Act 2003.”

Public supply or works contracts

13. In Schedule 2 to the Local Government Act 1988(1), at the end of the list headed “Public authorities” insert—

“A corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”

Payments by Welsh Ministers towards indebtedness

14. In section 39(7) of the 2003 Act, for paragraph (b) substitute—

“(b) in relation to Wales—

- (i) a county council,
- (ii) a county borough council, or
- (iii) a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”

Insurance against accidents

15. After section 140C of the 1972 Act insert—

“**140D.** Application of sections 140, 140A and 140C to corporate joint committees Sections 140, 140A and 140C (apart from subsection (4) of that section) apply to a corporate joint committee as they apply to a local authority.”

Subscriptions to local government associations

16. In section 143(2) of the 1972 Act, after “Common Council” insert “and a corporate joint committee”.

(1) 1988 c. 9

PART 6

Legal proceedings

Power to prosecute or defend legal proceedings

17. In section 222 of the 1972 Act—

- (a) in subsection (2), after “Common Council” insert “, a corporate joint committee”;
- (b) after that subsection insert—

“(3) In the application of subsection (1) to a corporate joint committee, the reference to the corporate joint committee’s area is to be read as a reference to the area specified as the corporate joint committee’s area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.”

Appearance in proceedings before a magistrates’ court

18. In section 223(2) of the 1972 Act, after “Common Council” insert “, a corporate joint committee”.

PART 7

Records, documents and notices etc.

Records

19.—(1) A corporate joint committee must—

- (a) make arrangements for the proper care, preservation and management of the corporate joint committee’s records, and
- (b) make and maintain a scheme setting out those arrangements (a “records scheme”).

(2) A corporate joint committee must keep its records scheme under review and may revise the scheme.

(3) A corporate joint committee must consult the Welsh Ministers before making, or revising, a records scheme.

(4) Where a corporate joint committee arranges under regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 for any of its functions relating to the proper care, preservation and management of its records to be discharged by—

- (a) another corporate joint committee, or
- (b) a county or county borough council in Wales,

the corporate joint committee must set out those arrangements in its records scheme.

(5) Where a corporate joint committee's records relate to the area, or part of the area, of another corporate joint committee, that other corporate joint committee may inspect those records, and take copies of them, free of charge.

(6) For the purposes of this regulation, a corporate joint committee's records are the records—

- (a) in any form, and any medium, capable of conveying information, and
- (b) which belong to, or are in the custody of, the corporate joint committee.

Deposit of documents with proper officer

20. In section 225(3) of the 1972 Act, after "joint authority" insert ", a corporate joint committee".

Inspection of documents

21. In section 228 of the 1972 Act, after subsection (9) insert—

"(10) Subsections (2) to (7) apply to a corporate joint committee as they apply to a local authority and, in that application, references to a local government elector for the area of the authority are to be read as references to a local government elector for any local government area in the area specified as the corporate joint committee's area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee."

Copies of documents

22. In section 229(8) of the 1972 Act, after "includes" insert "a corporate joint committee,".

Service of notices to a corporate joint committee

23. In section 231 of the 1972 Act—

- (a) in subsection (4), after "includes" insert "a corporate joint committee,";
- (b) after that subsection insert—

"(5) In the application of subsection (1) to a corporate joint committee—

- (a) references to the chairman are to be read as references to the chairperson of the corporate joint committee, and
- (b) references to the principal office are to be read as references to a principal office of a local authority for a county or county borough in Wales wholly or partly within the area specified as the

corporate joint committee’s area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.”

Public notices

24. In section 232 of the 1972 Act—

- (a) in subsection (1A), after “includes” insert “a corporate joint committee,”;
- (b) after that subsection insert—

“(1B) In the application of subsection (1) to a corporate joint committee, the reference to the corporate joint committee’s area is to be read as a reference to the area specified as the corporate joint committee’s area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.”

Service of notices by a corporate joint committee

25.—(1) Paragraph (2) applies where an enactment requires (in whatever terms) a corporate joint committee to—

- (a) notify a person of something, or
- (b) give a notice or other document to a person (including a copy of a document or a revised document).

(2) The notification or document may be given to the person in question—

- (a) by being hand delivered to the person;
- (b) by leaving it at the person’s proper address;
- (c) by being sent to the person’s proper address by post;
- (d) by being sent electronically to the person.

(3) For the purposes of paragraph (2), a person’s proper address is—

- (a) in the case of a body corporate, the address of the registered or principal office of the body;
- (b) in the case of a partnership, the address of the principal office of the partnership;
- (c) in any other case, the person’s last known address.

(4) If a person has specified an address in the United Kingdom other than the person’s proper address as an address to which notifications or documents may be delivered, that other address is also to be treated as the person’s proper address for the purposes of paragraph (2).

(5) A notification or document is to be treated as having been hand delivered under paragraph (2)(a)—

- (a) in the case of a body corporate, if it is hand delivered to the secretary or clerk of the body;
- (b) in the case of a partnership, if it is hand delivered to a partner or a person having the control or management of the partnership business.

(6) If a corporate joint committee cannot ascertain the name or address of any owner, lessee or occupier of land to whom a notification or document is to be given by virtue of a requirement referred to in paragraph (1), the notification or document may be given—

- (a) by hand delivering it to a person who is or appears to be resident or employed on the land, or
- (b) by leaving it conspicuously affixed to some building or object on the land.

(7) Where the requirement referred to in paragraph (1) is contained in a non-LWA enactment—

- (a) a notification or document is given electronically to a person if—
 - (i) an electronic communication consisting of or containing the notification or document, or to which the notification or document is attached, is properly addressed and sent to the person, and
 - (ii) it is sent in an electronic form which is capable of being accessed and retained by the person;
- (b) a notification or document given electronically is deemed to be given, unless the contrary is proved, on the day on which the electronic communication is sent;
- (c) see section 7 of the Interpretation Act 1978, or section 26 of the Interpretation Act 1889, for provision about when a document sent by post is deemed to have been given to a person.

(8) Where the requirement referred to in paragraph (1) is contained in an LWA enactment, see sections 13 and 14 of the Legislation (Wales) Act 2019 for provision about giving documents by post or electronically.

(9) In this regulation—

- (a) an “LWA enactment” means—
 - (i) an Act of Senedd Cymru, or

- (ii) a Welsh subordinate instrument within the meaning given by section 3(2) of the Legislation (Wales) Act 2019⁽¹⁾,
to which Part 2 of that Act applies;
- (b) a “non-LWA enactment” means an enactment to which that Part of that Act does not apply.

Authentication of documents

26. In section 234(4) of the 1972 Act, after “includes” insert “a corporate joint committee.”.

PART 8

Staffing and workforce matters

Indemnities for members and staff

27. In article 2 of the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006⁽²⁾ (interpretation), in the definition of “relevant authority”, after “community council,” insert “a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”.

Application of section 92 of the 1972 Act to corporate joint committees

28. In section 92 (proceedings for disqualification) of the 1972 Act, after subsection (7) insert—

“(7A) This section applies to a corporate joint committee as it applies to a local authority and, in relation to a corporate joint committee, the reference in subsection (1) to a local government elector for the area concerned is to be construed as a reference to a local government elector for any principal area in relation to which the corporate joint committee may exercise functions.

(7B) In subsection (7A), “principal area” has the meaning given by section 68 of the Local Government and Elections (Wales) Act 2021.”

Security taken in relation to staff

29. In section 114 of the 1972 Act (security to be taken in relation to officers), after subsection (3) insert—

“(4) In this section “local authority” includes a corporate joint committee.”

(1) anaw 4
(2) S.I. 2006 No 249 (W 37).

Accountability of staff

30. In section 115 of the 1972 Act (accountability of officers), after subsection (2) insert—

“(3) In this section “local authority” includes a corporate joint committee.”

Duty on staff to disclose interest in contracts

31. In section 117 of the 1972 Act (disclosure by officers of interests in contracts)—

(a) in subsection (4), after “include references” insert “to a corporate joint committee and”;

(b) after that subsection insert—

“(5) In the application of this section to a corporate joint committee—

(a) the reference in subsection (1) to any committee of an authority is to be read as a reference to any sub-committee of the corporate joint committee, and

(b) section 95 of this Act is to be treated as if it applies to a corporate joint committee as it applies to another authority for the purposes of this section.”

Staff to be appointed on merit

32. In section 7 of the 1989 Act (all staff to be appointed on merit)—

(a) in subsection (1)—

(i) omit “or” after paragraph (aa);

(ii) after that paragraph insert—

“(ab) a corporate joint committee, or”;

(b) in subsection (2)—

(i) after “committee” insert “or sub-committee”;

(ii) after “local authority” insert “, corporate joint committee”.

Limit on paid leave for local authority duties

33. In section 10 of the 1989 Act (limit on paid leave for local authority duties), in subsection (2)—

(a) omit “and” immediately following the definition of “financial year”;

(b) after that definition insert—

““local authority” includes a corporate joint committee; and”.

Conflict of interest in staff negotiations

34. In section 12 of the 1989 Act (conflict of interest in staff negotiations), in subsection (2), before the definition of “member” insert—

““local authority” includes a corporate joint committee;”.

PART 9

Miscellaneous amendments

Duty to prepare and publish a constitution etc.

35. In section 37 of the 2000 Act (local authority constitution), after subsection (4) insert—

“(5) This section applies to a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 as it applies to a local authority which are operating executive arrangements and in that application—

- (a) references to a “local authority” or “authority” are to be read as references to a corporate joint committee;
- (b) subsection (2) is to be treated as if it were omitted;
- (c) the references in subsection (4) to “members and co-opted members” are to be read as references to members of a corporate joint committee.”

Research and the collection of information

36. In section 141 of the 1972 Act, for subsection (3) substitute—

“(3) This section has effect—

- (a) in relation to a principal council in Wales—
 - (i) as if any reference to a council were a reference to the principal council, and
 - (ii) as if any reference to a county were a reference to the principal area;
- (b) in relation to a corporate joint committee—
 - (i) as if any reference to a council were a reference to the corporate joint committee,
 - (ii) as if any reference to a county were a reference to the area specified as the corporate joint

committee's area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee, and

- (iii) as if any reference to any other local authority in the county were a reference to any local authority in the corporate joint committee's area."

Restrictions on disclosing information under health and safety legislation

37. In section 28(6) of the Health and Safety at Work etc. Act 1974(1), after "include" insert "a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021,".

Publication of information in accordance with code of practice issued under section 2 of the Local Government, Planning and Land Act 1980

38. In section 2(1) of the Local Government, Planning and Land Act 1980(2), after paragraph (ha) insert—

“(hb) a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”.

Land held by a corporate joint committee

39. In the Local Government, Planning and Land Act 1980—

- (a) in section 99(4), after paragraph (aa) insert—
- “(ab) a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;”
- (b) in Schedule 16, after paragraph 1A insert—
- “1B A corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”

Name

Title of Minister, one of the Welsh Ministers

Date

(1) 1974 c. 37
(2) 1980 c. 65