
WELSH STATUTORY INSTRUMENTS

2013 No. 3005 (W. 297)

LOCAL GOVERNMENT, WALES

The Local Government (Wales) Measure 2011 (Modification of Enactments and other Provisions) Order 2013

Made - - - - 27 November 2013

Coming into force - - 27 November 2013

The Welsh Ministers in exercise of the powers conferred by section 177 of the Local Government (Wales) Measure 2011(1) make the following Order.

A draft of this Order was laid before the National Assembly for Wales under section 172(2)(d) of that Measure and has been approved by a resolution of the National Assembly for Wales.

PART 1

Introductory Provisions

Title, commencement and application

1. (1) The title of this Order is the Local Government (Wales) Measure 2011 (Modification of Enactments and other Provisions) Order 2013 and this Order comes into force on 27 November 2013
- (2) This Order applies in relation to Wales.

PART 2

Alternative and executive arrangements: modifications and other provisions

Amendment of the Local Government and Public Involvement in Health Act 2007

2. (1) The Local Government and Public Involvement in Health Act 2007(2) is amended in accordance with this article.
- (2) In Schedule 3 omit paragraphs 23, 24 and 25.

(1) 2011 nawm 4.
(2) 2007 c.28.

Amendment of the Definition of Independent Visitors (Children) Regulations 1991

3. (1) The Definition of Independent Visitors (Children) Regulations 1991(3) are amended in accordance with this article.

(2) In regulation 2 (independent visitors) in paragraph (a)(i) omit “, or a council manager of the local authority (within the meaning of section 11(4)(b) of the Local Government Act 2000 (local authority executives))”.

Amendment of the National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000

4. (1) The National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000(4) are amended in accordance with this article.

(2) In regulation 10 (supplementary) in paragraph (2A) omit “or alternative arrangements” and “or the Board” and in paragraph (4) omit the definitions of “Alternative arrangements” and “Board”.

Amendment of the Standards Committees (Wales) Regulations 2001

5. (1) The Standards Committees (Wales) Regulations 2001(5) are amended in accordance with this article.

(2) In regulation 2 (interpretation) omit the definitions of “alternative arrangements” and “board”.

(3) In regulation 8 omit paragraph (2).

(4) In regulation 9 omit paragraph (2).

Amendment of the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001

6. (1) The Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001(6) are amended in accordance with this article.

(2) In regulation 3 (interpretation of Part II) omit the definition of “alternative arrangements”.

(3) In regulation 17 (action before referendum), in paragraph (7)(a), (a)(i) and (b), omit “or alternative arrangements”.

(4) In regulation 20 (requirements as to proposals), in paragraph (3)(a), (a)(ii) and (b), omit “or alternative arrangements”.

(5) In regulation 24 (action where referendum proposals rejected)—

(a) in paragraph (1)(b) omit “alternative arrangements or”;

(b) in paragraph (1)(c) omit “or authorised to operate alternative arrangements in place of its existing executive arrangements”;

(c) omit paragraph (1)(d);

(d) in paragraph (2)(b) omit “or alternative arrangements”; and

(e) in paragraph (4) omit “or alternative arrangements”.

(3) S.I. 1991/892 amended by S.I. 2002/808 (W.89).

(4) S.I. 2000/2993 (W.193) amended by S.I. 2004/1390 (W. 140).

(5) S.I. 2001/2283 (W.172) amended by S.I. 2006/362 (W. 48).

(6) S.I. 2001/2292 (W.180) amended by S.I. 2003/398 (W. 55).

Amendment of the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001

7. (1) The Parent Governor Representatives and Church Representatives (Wales) Regulations 2001(7) are amended in accordance with this article.

- (2) In regulation 2 (interpretation)—
 - (a) omit the definition of “alternative arrangements”; and
 - (b) in the definition of “education overview and scrutiny committee”, omit “or” at the end of paragraph (a) and omit paragraph (b).
- (3) Omit regulation 3 (alternative arrangements).
- (4) Omit regulation 11 (church representatives).

Amendment of the Local Authorities (Executive Arrangements) (Discharge of Functions) (Wales) Regulations 2002

8. (1) The Local Authorities (Executive Arrangements) (Discharge of Functions) (Wales) Regulations 2002(8) are amended in accordance with this article.

- (2) In regulation 2 (interpretation) in the definition of “relevant person” omit paragraph (b).
- (3) Omit regulation 5 (power to make arrangements: mayor and council manager executives).
- (4) In regulation 12—
 - (a) omit paragraph (2); and
 - (b) in paragraph (3)(c)(i) and (ii) for “two-fifths” substitute “one half”.

Continued operation of existing alternative arrangements at time of coming into force of this Order

9. (1) This Part does not have effect in relation to a local authority if, and for as long as, the local authority continues to operate alternative arrangements on and after the day on which this Order comes into force.

(2) Paragraph (1) does not affect a local authority’s duty under section 35 of the Local Government (Wales) Measure 2011.

PART 3

Organisation of communities and their councils: modifications

Amendment of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007

10. (1) The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007(9) are amended in accordance with this article.

- (2) In Schedule 1, in the second column of the table—
 - (a) for “Section 28 of the Local Government Act 1972” substitute “Section 27D of the Local Government Act 1972(10)”;

(7) S.I. 2001/3711(W.307) amended by S.I. 2010/1142 (W. 101).

(8) S.I. 2002/802 (W.87) amended by S.I. 2003/147 (W. 17).

(9) S.I. 2007/399 (W.45) amended by S.I. 2008/1430, S.I. 2009/2983 (W. 260) and S.I. 2010/630 (C.42).

(10) 1972 c.70.

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

- (b) for “Section 29 of the Local Government Act 1972” substitute “Section 27F or 27H of the Local Government Act 1972”; and
- (c) for “Section 29A of the Local Government Act 1972” substitute “Section 27J or 27L of the Local Government Act 1972”.

Amendment of the Local Authorities (Miscellaneous Provisions) Order 1979

11. (1) The Local Authorities (Miscellaneous Provisions) Order 1979(11) is amended in accordance with this article.

(2) In article 4(2) (variation of orders for grouping parishes or communities) for “or section 29” substitute “section 27F or 27H”.

27 November 2013

Lesley Griffiths
Minister for Local Government and Government
Business , one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes modifications to enactments which are considered appropriate in connection with the Local Government (Wales) Measure 2011 (“the Measure”). This Order also makes saving provision which appears appropriate in connection with the Measure.

Part 3 of the Measure (available governance arrangements) (sections 34 to 36) makes changes to the permitted governance arrangements of local authorities (county and county borough councils) in Wales. Section 34 of the Measure amends the Local Government Act 2000 (“the 2000 Act”) to remove the mayor and council manager executive model from the kinds of executive arrangements available to local authorities in Wales and makes consequential amendments to other primary legislation. Section 35 of the Measure requires any local authority in Wales which operates alternative arrangements to cease doing so and start to operate a permitted form of executive arrangements instead in accordance with the provisions of Schedule 1. Section 36 of the Measure makes consequential amendments to primary and secondary legislation and also contains saving provisions.

Part 2 of this Order (alternative and executive arrangements: modifications and other provisions) (Articles 2 to 9) makes further consequential and saving provision in connection with Part 3 of the Measure.

Article 2 makes consequential modifications to the Local Government and Public Involvement in Health Act 2007 so as to omit paragraphs 23, 24 and 25 of Schedule 3 which contain references to provisions about governance arrangements in the 2000 Act that have been repealed by the Measure.

Article 3 makes a consequential modification to regulation 2(a)(i) of the Definition of Independent Visitors (Children) Regulations 1991 so as to omit a council manager from the list of persons considered to be connected to a local authority and not regarded as independent of the authority.

Article 4 makes consequential modifications to regulation 10 of the National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000 so as to omit provision about alternative arrangements.

Article 5 makes consequential modifications to regulations 2, 8 and 9 of the Standards Committees (Wales) Regulations 2001 so as to omit provision about alternative arrangements.

Article 6 makes consequential modifications to regulations 3, 17, 20 and 24 of the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001 so as to omit provision about alternative arrangements.

Article 7 makes consequential modifications to regulations 2, 3 and 11 of the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001 so as to omit provision relating to alternative arrangements.

Article 8 makes consequential modifications to regulations 2, 5 and 12 of the Local Authorities (Executive Arrangements) (Discharge of Functions) (Wales) Regulations 2002 so as to omit provision about mayor and council manager executive arrangements and alternative arrangements.

Article 9 makes saving provision with respect to local authorities operating alternative arrangements which are required under section 35 of the Measure to operate instead a form of executive arrangements in accordance with Schedule 1 to the Measure. Article 9 has the effect of permitting any authority which is operating alternative arrangements when Part 2 of the Order comes into force to continue to do so until it has complied with its duty under section 35 of the Measure.

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Part 7 of the Measure (communities and community councils) makes changes to the legislative framework relating to communities and community councils, in particular by amending provisions of the Local Government Act 1972 (“the 1972 Act”). Chapter 2 of Part 7 (organisation of communities and their councils) makes changes to the arrangements for the organisation of communities and their councils by repealing sections 28 to 29B of the 1972 Act, inserting new sections 27A to 27M into the 1972 Act, making consequential amendments to the 1972 Act and transitional provision.

Part 3 of the Order (organisation of communities and their councils: modifications) (articles 10 and 11) makes amendments to secondary legislation in consequence of the changes made to the 1972 Act by Part 7 of the Measure. Article 10 amends Schedule 1 to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 to substitute reference to section 27D of the 1972 Act for reference to section 28, reference to section 27F or 27H for reference to section 29 and reference to section 27J or 27L for reference to section 29A. Article 11 amends article 4(2) of the Local Authorities (Miscellaneous Provisions) Order 1979 to substitute reference to sections 24F or 27H for reference to section 29.