



# Local Government Byelaws (Wales) Act 2012

2012 anaw 2

## *Procedure for byelaws*

### **7 Byelaws requiring confirmation**

- (1) This section applies to byelaws made by a legislating authority under any enactment other than those listed in Part 1 of Schedule 1, including byelaws which amend or revoke byelaws previously made by it.
- (2) But this section does not apply to the extent that the enactment conferring the power to make a byelaw makes different provision in relation to one or more of the following –
  - (a) a requirement to submit byelaws for confirmation;
  - (b) publication of a notice of intent to make the byelaw;
  - (c) publication of the byelaw;
  - (d) making copies of the byelaw available.
- (3) Before it makes a byelaw to which this section applies, an authority must –
  - (a) publish on the authority's website an initial written statement which describes the issue which the authority thinks may be addressed by making a byelaw;
  - (b) consult any person (including, where applicable, a community council) who the authority thinks is likely to be interested in, or affected by, the issue.
- (4) Following the consultation, the authority must consider the responses and decide whether making a byelaw is the most appropriate way of addressing the issue.
- (5) The authority must then publish on its website a second written statement which contains –
  - (a) the initial written statement;
  - (b) a summary of the consultation and the responses;
  - (c) its decision;
  - (d) the reasons for that decision.

---

*Changes to legislation: There are currently no known outstanding effects for the Local Government Byelaws (Wales) Act 2012, Section 7. (See end of Document for details)*

---

- (6) Byelaws made by the legislating authority must be submitted to the confirming authority and do not have effect unless and until they are confirmed by the confirming authority.
- (7) At least six weeks before the byelaw is submitted for confirmation, notice of the legislating authority's intention to do so must be published –
- (a) in one or more local newspapers circulating in the area to which the byelaw is to apply;
  - (b) on the authority's website.
- (8) For at least six weeks before the byelaw is submitted for confirmation, the legislating authority must ensure that –
- (a) the byelaw is published on the authority's website;
  - (b) a copy of the byelaw is deposited at a place in the authority's area (and, in the case of a byelaw made by the [<sup>F1</sup>Natural Resources Body for Wales] under the National Parks and Access to the Countryside Act 1949, at a place in the area of each council of a county or county borough to whose area the byelaw applies);
  - (c) where applicable, a copy is sent to all community councils whose area the authority thinks is likely to be affected by the byelaw;
  - (d) a copy is open to public inspection at all reasonable hours without payment.
- (9) The legislating authority must give a copy of the byelaw to any person who applies for it, subject to that person paying such reasonable fee charged by the authority (if any).
- (10) The confirming authority may confirm, or refuse to confirm, any byelaw submitted to it under this section.
- (11) For the purposes of this Act, the confirming authority is –
- (a) the person specified in the enactment under which the byelaws are made as the person who is to confirm the byelaws, or
  - (b) if no person is specified, the Welsh Ministers.
- (12) The functions of the Welsh Ministers under subsection (11)(b) are exercisable concurrently with the Secretary of State.

---

**Textual Amendments**

- F1** Words in s. 7(8)(b) substituted (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(g), [Sch. 2 para. 30\(3\)](#)
- 

**Commencement Information**

- II** S. 7 in force at 31.3.2015 by [S.I. 2015/1025](#), [art. 2\(g\)](#) (with [art. 3](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government Byelaws (Wales) Act 2012, Section 7.