



# Local Government (Democracy) (Wales) Act 2013

2013 anaw 4

## PART 3

### ARRANGEMENTS FOR LOCAL GOVERNMENT

#### CHAPTER 5

##### IMPLEMENTATION FOLLOWING REVIEW

###### *Agreements between public bodies to deal with change*

#### **44 Transitional agreements as to property and finance**

- (1) Any public body affected by the alteration, abolition or constitution of an area or electoral ward by an order under section 37, 38, 39 or 43 or by an order under section 162 of the 2011 Measure (power to make amalgamation order) may enter into an agreement with another affected public body about—
  - (a) any property, income, rights or liabilities affected by the change;
  - (b) any financial relationships between the parties to the agreement;
  - (c) any expenses of the parties arising in consequence of the change.
- (2) An agreement under this section may provide—
  - (a) for the transfer or retention of any property, rights and liabilities, with or without conditions, and for the joint use of any property;
  - (b) for the making of payments in respect of any property, rights or liabilities transferred or retained, or of such joint use, and in respect of the remuneration or compensation payable to any person;
  - (c) for the making of any such payment by way of a capital sum or terminable annuity.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Where the parties cannot reach agreement on any matter, the matter is to be referred to the arbitration of a single arbitrator agreed on by the parties or, failing such agreement, appointed by the Welsh Ministers.
- (4) The arbitrator’s award may provide for any matter for which an agreement under this section may provide.
- (5) Any sum which requires to be paid by a public body may be paid—
  - (a) out of the fund or rate from which the general expenses of the public body are paid, or
  - (b) out of such other fund or rate as the public body may determine.
- (6) In this section, “public body” has the same meaning as it has in section 40(6).