



# Local Government (Wales) Act 2015

2015 anaw 6

## *Voluntary mergers of local authorities*

### **10 Other consequential etc. provision**

- (1) Merger regulations may include any supplementary, incidental, consequential, transitional or saving provision which the Welsh Ministers consider appropriate.
- (2) The Welsh Ministers may by regulations of general application make supplementary, incidental, consequential, transitional or saving provision—
  - (a) for the purposes of or in consequence of merger regulations, or
  - (b) for giving full effect to merger regulations.
- (3) Regulations under subsection (2) have effect subject to any provision included in merger regulations.
- (4) In this section references to supplementary, incidental, consequential, transitional or saving provision include provision—
  - (a) for the transfer of functions and property, rights or liabilities (including criminal liabilities) from a merging authority to a new principal local authority;
  - (b) for civil or criminal proceedings commenced by or against a merging authority to be continued by or against a new principal local authority;
  - (c) for the transfer of staff, compensation for loss of office, or with respect to pensions and other staffing matters;
  - (d) for treating a new principal local authority for some or all purposes as the same person in law as a merging authority;
  - (e) with respect to the management or custody of property (real or personal) transferred to a new principal local authority;
  - (f) about the holding of a referendum required by virtue of section 9;
  - (g) with respect to charter trustees;
  - (h) in relation to preserved counties (within the meaning given by section 270(1) of the Local Government Act 1972).

- (5) The rights and liabilities which may be transferred in accordance with merger regulations or regulations under subsection (2) include rights and liabilities in relation to a contract of employment.
- (6) The provisions of the [Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), apart from regulations 4(6) and 10, apply to a transfer made in accordance with merger regulations or regulations under subsection (2) (whether or not the transfer is a relevant transfer for the purposes of those Regulations).
- (7) In this section references to supplementary, incidental, consequential, transitional or saving provision also include provision with respect to—
- (a) the establishment or membership of public bodies in any area affected by merger regulations and the election or appointment of members of the public bodies, or
  - (b) the abolition or establishment, or the restriction or extension, of the jurisdiction of any public body in or over any part of any area affected by merger regulations.
- (8) Supplementary, incidental, consequential, transitional or saving provision in merger regulations or regulations under subsection (2) may take the form of provision—
- (a) modifying, excluding or applying (with or without modifications) any enactment, or
  - (b) repealing or revoking any enactment (with or without savings).
- (9) “Enactment” in subsection (8) includes any charter, whenever granted.
- (10) The Welsh Ministers are not required to cause an inquiry to be held under subsection (6) of section 4 of the Fire and Rescue Services Act 2004 (combined authorities) in respect of an order under subsection (4) of that section made in consequence of merger regulations or regulations under subsection (2).
- (11) The Welsh Ministers—
- (a) may by regulations vary merger regulations (or regulations under this paragraph), and
  - (b) may by regulations vary or revoke regulations under subsection (2) (or this paragraph).