

LOCAL GOVERNMENT BYELAWS (WALES) ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 8 – Formalities, commencement and publication of byelaws

27. **Section 8** recasts the provisions in section 236 of the 1972 Act which will apply to both byelaws made subject to the confirmation procedure and byelaws made subject to the alternative procedure which do not require confirmation by the Welsh Ministers. This section applies to byelaws made by a legislating authority under any enactment which confers on the legislating authority the power to make byelaws. It should be noted that the procedures described in the section only apply to the extent that specific provision as to the procedure is not otherwise made.
28. Byelaws are to be made under the common seal of the legislating authority, or signed by two members of a community council not having a seal.
29. Byelaws are to come into effect on the date fixed by the legislating authority or the confirming authority as appropriate to the procedure under which the byelaws are made. Where no date is fixed, byelaws will come into effect one month from having been made (under the section 6 procedure) or one month from confirmation (under the section 7 procedure), as appropriate.
30. The legislating authority which makes the byelaws must publish the byelaws on its website and deposit a copy at a place in the area of the legislating authority for public inspection. A legislating authority may charge a reasonable fee for providing a copy of the byelaws to any person.
31. The proper officer of a legislating authority must send a copy of the byelaws made by the legislating authority to the proper officer of the council of every community to which the byelaws apply. For a National Park authority, the proper officer must send a copy of every byelaw once made, or where required once confirmed, to the proper officer of the council for every county borough or county or community in Wales whose area includes the whole or part of the National Park.
32. The proper officer of the community council must deposit the byelaws with the public documents of the community and ensure that a copy is open to public inspection.
33. The Countryside Council for Wales must ensure that a copy of a byelaw once made, or where required once confirmed, is sent to the proper officer of the council of every county borough or county to whose area the byelaws applies and to the proper officer of the council of every community to whose area the byelaw applies.
34. This section provides that the “proper officer” is the officer duly authorised to serve that purpose by that body.