



# Local Government (Wales) Measure 2009

2009 nawm 2

## PART 3

### GENERAL

#### 48 Guidance

- (1) This section has effect in relation to any guidance issued by the Welsh Ministers under this Measure.
- (2) The Welsh Ministers—
  - (a) may issue guidance under Part 1 to or in respect of Welsh improvement authorities generally or in respect of one or more particular authorities;
  - (b) may issue guidance under Part 2 to or in respect of local authorities and community planning partners generally or in respect of one or more particular authorities or partners;
  - (c) may issue different guidance to or in respect of different Welsh improvement authorities, local authorities or community planning partners;
  - (d) must, before they issue guidance, consult the authorities or partners concerned or persons appearing to the Welsh Ministers to represent them; and
  - (e) must arrange for guidance to be published.

#### 49 Directions

- Any direction given by the Welsh Ministers under this Measure—
- (a) may be varied or revoked by a later direction; and
  - (b) must be given in writing.

#### 50 Orders and regulations

- (1) Any power of the Welsh Ministers to make an order or regulations under this Measure is exercisable by statutory instrument.

- (2) Any power of the Welsh Ministers to make an order or regulations under this Measure includes power—
- (a) to make different provision for different cases, areas, authorities and descriptions of authority;
  - (b) to make provision generally or in relation to specific cases;
  - (c) to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit.
- (3) A statutory instrument containing an order under section 8(1), 15(3), (5) or (7), 19(3) (b) or 51(4) or regulations under section 29(7) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) But subsection (3) does not apply if an order also contains provisions made under the powers mentioned in subsection (5).
- (5) A statutory instrument which contains (alone or with other provisions)—
- (a) an order under section 7(1);
  - (b) an order under section 16(3);
  - (c) an order under section 38(2); or
  - (d) an order under section 51(4) which includes provision mentioned in subsection (5)(b)(i) of that section,
- must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (6) Subject to subsection (7), a statutory instrument containing an order under section 31 must not be made unless a draft of the order has been laid before, and approved by resolution of, the National Assembly for Wales.
- (7) An order under section 31 which is made only for the purpose of amending an earlier order under that section—
- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description;
  - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description,
- is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

## **51 Consequential etc amendments and transitional and saving provision**

- (1) Schedule 1 contains minor and consequential amendments for Part 1 of this Measure.
- (2) Schedule 2 contains minor and consequential amendments for Part 2 of this Measure.
- (3) Schedule 3 contains transitional provisions and savings for Parts 1 and 2 of this Measure.
- (4) The Welsh Ministers may by order make such provision as the Welsh Ministers consider appropriate for the general purposes, or any particular purposes, of this Measure, or in consequence of, or for giving full effect to, any provision made by this Measure.
- (5) An order under subsection (4) may, in particular—

- (a) provide for any amendment or other provision made by this Measure which comes into force before any other provision has come into force to have effect, until that other provision has come into force, with specified modifications, and
  - (b) amend, repeal or revoke any provision of—
    - (i) any Act or Measure of the National Assembly for Wales (including this Measure); and
    - (ii) subordinate legislation.
- (6) The amendments that may be made by virtue of subsection (5)(b) are in addition to those made by or which may be made under any other provision of this Measure.
- (7) In this section “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).

## **52 Repeals**

Schedule 4 contains repeals.

## **53 Commencement**

- (1) Sections 48 to 50, 51(4) to (7), 54 and this section come into force on the day on which this Measure is approved by Her Majesty in Council.
- (2) The other provisions of this Measure come into force on such day as the Welsh Ministers may by order appoint.
- (3) An order under subsection (2) may appoint different days for different purposes.

## **54 Short title**

This Measure may be cited as the Local Government (Wales) Measure 2009.