

LOCALISM ACT 2011

EXPLANATORY NOTES

COMMENTARY

Part 3: Eu Financial Sanctions: Wales

Sections 58 to 67: EU Financial sanctions: Wales

156. This Part sets out a discretionary power for the Welsh Ministers to require a Welsh public authority exercising devolved functions in Wales to pay all, or part of, any financial sanction imposed on the UK, replicating the provisions and procedures as set out in sections 48 to 57. Part 3 only applies in relation to the activities of a Welsh public authority in the exercise of its devolved functions.
157. The main differences are that:
- Section 60 provides that the Welsh Ministers must certify that these powers apply to the whole or part of an EU financial sanction for Part 3 to apply.
 - Section 61 includes a definition of a Welsh public authority as a council of a county or county borough in Wales, or any other person or body which has any Welsh devolved functions of a public nature; and the definition of ‘appropriate national authority’ includes a Minister of the Crown if the Welsh public authority has any functions which are not devolved.
 - Sections 62, 64 and 65 set out that the Welsh Ministers must consult with the appropriate national authority if the Welsh public authority has any functions other than Welsh devolved functions.
 - Section 65 sets out that, if the Welsh public authority has functions other than Welsh devolved functions, then the Welsh Ministers must have regard to the need to avoid any prejudicial effect on the performance by the authority of those other functions.