

## WELSH STATUTORY INSTRUMENTS

# 2021 No. 1349

## The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021

### PART 3

#### General provisions in relation to staff

##### References to “proper officer” in the 1972 Act and other enactments

9.—(1) Where an enactment relates to the administration of a corporate joint committee or the exercise of its functions, any references in that enactment to an “officer” of the corporate joint committee are to be construed as references to a member of staff of the corporate joint committee, including a person treated as a member of staff by virtue of paragraph 11(2) of the Schedule to each of the establishment Regulations.

(2) In section 270(3) of the 1972 Act (meaning of “proper officer”), after “local authority” insert “, corporate joint committee”.

(3) In section 21(3) of the 1989 Act (interpretation of Part 1), in the definition of “proper officer”, in paragraph (a), after “Wales” insert “or a corporate joint committee”.

##### Commencement Information

**II** Reg. 9 in force at 3.12.2021, see [reg. 1\(2\)](#)

##### Disqualification and political restriction of certain officers and staff

10.—(1) The 1989 Act is amended as follows.

(2) In section 1 (disqualification and political restriction of certain officers and staff)—

(a) in subsection (1A)—

(i) the words from “holds the post” to the end become paragraph (a);

(ii) after that paragraph insert—

“(b) holds a politically restricted post under a corporate joint committee.”;

(b) after subsection (1A) insert—

“(1B) A person shall be disqualified from becoming or remaining a member of a corporate joint committee if that person holds a politically restricted post under any corporate joint committee or local authority in Great Britain.”;

(c) after subsection (11) insert—

“(12) Subsections (5) to (8) of this section apply to a corporate joint committee as they apply to a local authority in Wales.”

(3) In section 2 (politically restricted posts)—

- (a) after subsection (1A) insert—
- “(1B) For the purposes of this Part the following persons are to be regarded as holding politically restricted posts under a corporate joint committee—
- (a) a person appointed as the chief executive of the corporate joint committee;
  - (b) a person described in subsection (1)(b) to (e);
  - (c) a person not falling within paragraphs (a) or (b) whose post is for the time being specified by the corporate joint committee in—
    - (i) the list maintained in accordance with subsection (2) and any directions under section 3;
    - (ii) the list maintained in accordance with regulation 24(2) of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021.”;
- (b) after subsection (10) insert—
- “(10A) This section, other than subsection (1), applies in relation to a corporate joint committee as it applies in relation to a local authority in Wales.
- (10B) In the application of subsection (2) to a corporate joint committee the reference to section 100G(2) of the Local Government Act 1972 is to be read as a reference to regulation 24(2) of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021.
- (10C) In the application of subsection (4) to a corporate joint committee—
- (a) the reference to two months is to be read as a reference to six months, and
  - (b) the reference to the coming into force of this section is to be read as a reference to—
    - (i) the coming into force of this subsection, or
    - (ii) the date on which the corporate joint committee is established, whichever is the later.”
- (4) In section 3 (grant and supervision of exemptions)—
- (a) in subsection (5), in paragraph (b), after “Local Government Act 1972” insert “, regulation 24(2) of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021”;
  - (b) after subsection (8) insert—

“(9) In this section a reference to a local authority includes a reference to a corporate joint committee.”

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**Commencement Information**

**12** Reg. 10 in force at 6.5.2022, see **reg. 1(3)(a)**

**Duty to adopt standing orders with respect to staff.**

**11.** In section 8 of the 1989 Act (duty of relevant authorities to adopt standing orders with respect to staff), in subsection (5), after paragraph (a), insert—

“(aa) in relation to Wales, means a corporate joint committee;”.

**Commencement Information**

**I3** Reg. 11 in force at 3.12.2021, see [reg. 1\(2\)](#)

**Pay accountability**

**12.**—(1) In the 2011 Act, in Part 1—

- (a) in the application of Chapter 8 to a corporate joint committee—
  - (i) in section 38(1), the reference to the financial year 2012-13 is to be read as a reference to the financial year 2022-23;
  - (ii) in section 39(2), the reference to 31 March 2012 is to be read as a reference to 31 March 2022;
  - (iii) in section 41(1), the reference to 1 April 2012 is to be read as a reference to 1 April 2022;
- (b) in section 42 (exercise of functions), after subsection (2) insert—

“(2A) In the case of a relevant authority which is a corporate joint committee, regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (arrangements for the discharge of functions) does not apply to the function of passing a resolution under this Chapter.”;
- (c) in section 43 (interpretation), after subsection (1)(j) insert—

“(k) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021.”

**Commencement Information**

**I4** Reg. 12 in force at 3.12.2021, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021, PART 3.