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WELSH STATUTORY INSTRUMENTS

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**2022 No. 372 (W. 92)**

**LOCAL GOVERNMENT, WALES**

**The Corporate Joint Committees  
(General) (Wales) Regulations 2022**

*Made - - - - 23rd March 2022*

*Coming into force*

*Regulation 3(8) 6 May 2022*

*Remainder 25 March 2022*

The Welsh Ministers, in exercise of the powers conferred on them by sections 80(1), 83, 84 and 174 of the Local Government and Elections (Wales) Act 2021<sup>(1)</sup>, make the following Regulations.

In accordance with sections 80(2)(c) and 82(2) and (3)(a) and (d) of that Act, the Welsh Ministers have consulted such persons as they consider appropriate on a draft of the Regulations and have given notice of their intention to make the Regulations to the principal councils in the corporate joint committees' areas and to the corporate joint committees.

A draft of this instrument has been laid before and approved by a resolution of Senedd Cymru in accordance with section 174(4) and (5) of that Act.

**PART 1**

**Introduction**

**Title and coming into force**

1.—(1) The title of these Regulations is the Corporate Joint Committees (General) (Wales) Regulations 2022.

(2) These Regulations, other than the regulation mentioned in paragraph (3), come into force on 25 March 2022.

(3) Regulation 3(8) (annual reports by standards committees) comes into force on 6 May 2022.

## Interpretation

### 2. In these Regulations—

- “the 1972 Act” (“*Deddf 1972*”) means the Local Government Act 1972<sup>(2)</sup>;
- “the 1980 Act” (“*Deddf 1980*”) means the Local Government, Planning and Land Act 1980<sup>(3)</sup>;
- “the 1989 Act” (“*Deddf 1989*”) means the Local Government and Housing Act 1989<sup>(4)</sup>;
- “the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000<sup>(5)</sup>;
- “the 2003 Act” (“*Deddf 2003*”) means the Local Government Act 2003<sup>(6)</sup>;
- “corporate joint committee” (“*cyd-bwyllgor corfforedig*”) means a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;
- “the establishment Regulations” (“*y Rheoliadau sefydlu*”) means—
- the North Wales Corporate Joint Committee Regulations 2021<sup>(7)</sup>,
  - the Mid Wales Corporate Joint Committee Regulations 2021<sup>(8)</sup>,
  - the South East Wales Corporate Joint Committee Regulations 2021<sup>(9)</sup>, and
  - the South West Wales Corporate Joint Committee Regulations 2021<sup>(10)</sup>.

## PART 2

### Conduct

#### Application of Part 3 of the 2000 Act to corporate joint committees

- 3.—(1) The 2000 Act is amended as follows.
- (2) In section 49 (principles of conduct governing members)—
- in subsection (6), after paragraph (b) insert—
 

“(ba) a corporate joint committee;”;
  - after subsection (7) insert—
 

“(8) In this Part, “corporate joint committee” means a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”
- (3) In section 51 (duty to adopt code of conduct)—
- after subsection (7) insert—
 

“(7A) But subsections (6)(a) and (b) and (7) do not apply in relation to a corporate joint committee.

(7B) As soon as reasonably practicable after adopting or revising a code of conduct under this section, a corporate joint committee must publish the code or revised code electronically.

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(2) 1972 c. 70.  
 (3) 1980 c. 65.  
 (4) 1989 c. 42.  
 (5) 2000 c. 22.  
 (6) 2003 c. 26.  
 (7) S.I. 2021/339 (W. 93).  
 (8) S.I. 2021/342 (W. 96).  
 (9) S.I. 2021/343 (W. 97).  
 (10) S.I. 2021/352 (W. 104).

- (7C) A corporate joint committee must send a copy of its code to any member of the public who requests a copy, as soon as reasonably practicable after receiving the request.”;
- (b) in subsection (9)—
- (i) after “1972” insert “or regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021”;
- (ii) for “that section applies” substitute “that section or regulation, applies”.
- (4) In section 52 (duty to comply with code of conduct)—
- (a) in subsection (1), for “A person” substitute “Subject to subsection (1A), a person”;
- (b) after subsection (1) insert—
- “(1A) This section does not apply in the case of a member or co-opted member of a corporate joint committee (as to which see section 52ZA).”
- (5) After section 52 insert—

**“52ZA Duty to comply with code of conduct for corporate joint committees**

- (1) A person who is a member or co-opted member of a corporate joint committee must observe a code of conduct adopted by the corporate joint committee under section 51, including a code revised under subsection (3)(b) of that section.
- (2) In relation to a corporate joint committee whose members or co-opted members are subject to mandatory provisions by virtue of section 51(5)(b), the reference in subsection (1) to the code of conduct adopted by the corporate joint committee includes the mandatory provisions which for the time being apply to the members or co-opted members of the corporate joint committee.”
- (6) In section 53 (standards committees)—
- (a) after subsection (1) insert—
- “(1ZA) Subsections (1ZB) and (1ZC) apply for the purposes of subsection (1).
- (1ZB) Where a relevant authority is a corporate joint committee—
- (a) the reference to establishing a committee is to be read as a reference to establishing a sub-committee;
- (b) the reference to establishing a joint committee with one or more other relevant authorities is to be read, where all of the other relevant authorities are corporate joint committees, as a reference to establishing a joint sub-committee.
- (1ZC) The reference to establishing a joint committee is to be read, where one or more of the relevant authorities are corporate joint committees and one or more of the relevant authorities are not corporate joint committees, as a reference to establishing a joint committee which is—
- (a) a sub-committee in relation to the corporate joint committee (or committees), and
- (b) a committee in relation to the relevant authority which is not (or relevant authorities which are not) a corporate joint committee.”;
- (b) in subsection (1A), after “subsection (1)” insert “(read in accordance with subsections (1ZA) to (1ZC))”;
- (c) after subsection (1A) insert—
- “(1B) A relevant authority which is a corporate joint committee must establish its first standards committee within the period of 90 days which begins with the day after the day

on which the first regulations under subsection (11) which apply to the corporate joint committee come into force.”;

(d) in subsection (12)—

(i) the text from “applies” to “1972” becomes paragraph (a);

(ii) after paragraph (a) insert—

“(b) in relation to a standards committee which is established by a corporate joint committee and which is not a joint standards committee, disapplies or modifies any provision of regulations 16 to 21 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (meetings and proceedings; see also regulation 22 of those Regulations);

(c) in relation to a standards committee which is established by a corporate joint committee and which is a joint standards committee, applies or reproduces (with or without modifications) any provision of regulations 16 to 21 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (but the power in this paragraph does not affect the exercise of the power in paragraph (a) in relation to such joint standards committees).”

(7) In section 54A (sub-committees of standards committees), after subsection (1) insert—

“(1A) Subsection (1) does not apply to a standards committee established by a corporate joint committee.”

(8) In section 56B(7) (annual reports by standards committees), after “1972” insert “or, 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 discharge of functions)”.

(9) In section 71 (reports etc.)—

(a) in subsection (1)—

(i) omit “and” after paragraph (c);

(ii) after paragraph (c) insert—

“(ca) where the relevant authority concerned is a corporate joint committee, in the case of a member or co-opted member of the corporate joint committee who is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

the Ombudsman must send a copy of any such report to the monitoring officer of that constituent council or National Park authority (in addition to sending a copy of the report to the monitoring officer of the corporate joint committee in accordance with paragraph (c)),”;

(iii) after paragraph (d) insert “, and” and then insert—

“(da) where the relevant authority concerned is a corporate joint committee, in the case of a member or co-opted member of the corporate joint committee who is also a member or co-opted member of—

(i) a constituent council of the corporate joint committee;

(ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

where the Ombudsman does not produce any such report the Ombudsman must inform the monitoring officer of that constituent council or National Park authority of the outcome of the investigation (in addition to informing the monitoring officer of the corporate joint committee in accordance with paragraph (d)).”;

(b) after subsection (2) insert—

“(2A) Where the Ombudsman determines in the case of a member or co-opted member of a corporate joint committee who is also a member or co-opted member of—

- (a) a constituent council of the corporate joint committee;
- (b) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

that a finding under section 69(4)(c) is appropriate, in addition to taking the steps set out in subsection (2) the Ombudsman must send a copy of the report to the monitoring officer and standards committee of that constituent council or National Park authority.”;

(c) after subsection (3) insert—

“(3A) Where the Ombudsman determines in the case of a member or co-opted member of a corporate joint committee who is also a member or co-opted member of—

- (a) a constituent council of the corporate joint committee;
- (b) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

that a finding under section 69(4)(d) is appropriate, in addition to taking the steps set out in subsection (3) the Ombudsman must send a copy of the report to the monitoring officer of that constituent council or National Park authority.”;

(d) after subsection (6) insert—

“(7) In this Part a reference to a constituent council of a corporate joint committee means a constituent council as set out in the regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.”

(10) In section 72(5) (interim reports), after paragraph (b) (and before “and”) insert—

“(ba) where the relevant authority concerned is a corporate joint committee, in the case of a member or co-opted member of the corporate joint committee who is also a member or co-opted member of—

- (i) a constituent council of the corporate joint committee;
- (ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,

to the monitoring officer of that constituent council or National Park authority (in addition to being given to the monitoring officer of the corporate joint committee in accordance with paragraph (b)).”

(11) In section 78(7) (decisions of interim case tribunals)—

- (a) omit “and” after paragraph (a);
- (b) after paragraph (b) insert “, and” and then insert—

- “(ba) where the relevant authority concerned is a corporate joint committee, in the case of a member or co-opted member of the corporate joint committee who is also a member or co-opted member of—
- (i) a constituent council of the corporate joint committee;
  - (ii) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,
- to the monitoring officer of that constituent council or National Park authority (in addition to being given to the monitoring officer of the corporate joint committee in accordance with paragraph (b)).”
- (12) After section 79(12) (decisions of case tribunals) insert—
- “(12A) In the case of a member or co-opted member of a corporate joint committee who is also a member or co-opted member of—
- (a) a constituent council of the corporate joint committee;
  - (b) a National Park authority which is required by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 to appoint a member of the corporate joint committee,
- a copy of any notice under this section must be given to the monitoring officer of that constituent council or National Park authority (in addition to the steps required by subsection (12) being taken).”
- (13) In section 80(4) (recommendations by case tribunals)—
- (a) after “1972” insert “or regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (arrangements for discharge of functions)”;
  - (b) for “that section applies” substitute “that section or regulation applies”.
- (14) After section 81(7) (disclosure and registration of members’ interests) insert—
- “(7ZA) But subsections (6) and (7) do not apply to a relevant authority which is a corporate joint committee.
- (7ZB) A relevant authority which is a corporate joint committee must publish electronically the register maintained under subsection (1).”
- (15) In section 83 (interpretation of Part 3)—
- (a) in subsection (1), in the appropriate places insert—
 

““constituent council”, in relation to a corporate joint committee, has the meaning given by section 71(7),”;  
 ““corporate joint committee” has the meaning given by section 49(8),”;
  - (b) after subsection (10) insert—
 

“(10A) A person who is suspended under this Part from being a member of a relevant authority other than a corporate joint committee shall also be suspended, if they are a member of a corporate joint committee, from being such a member; but this subsection does not apply to a person who is partially suspended under this Part.”

#### **Application of section 92 of the 1972 Act to corporate joint committees**

4. After section 92(7) (proceedings for disqualification) of the 1972 Act insert—
- “(7A) This section applies to a corporate joint committee as it applies to a local authority and, in relation to a corporate joint committee, the reference in subsection (1) to a local government elector for the area concerned is to be construed as a reference to a local

government elector for any local government area in the area specified as the corporate joint committee's area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”

## PART 3

### Appointment of substitute members

#### The Mid Wales Corporate Joint Committee Regulations 2021

5.—(1) The Mid Wales Corporate Joint Committee Regulations 2021(**11**) are amended as follows.

(2) In regulation 7 (council members) for paragraph (2) substitute—

“(2) Where a person who is a council member under paragraph (1) (“P”) is suspended or is unable to act as a council member for any period, the constituent council of which P is a member may appoint a member of its executive as a substitute member of the Mid Wales CJC for that period.

(2A) For the purposes of these Regulations (other than this regulation), and any other enactment, a substitute member appointed under paragraph (2) is to be treated as a council member of the Mid Wales CJC.

(2B) But the substitute member is not entitled to vote, or otherwise act as a council member, in relation to the discharge of any function of the Mid Wales CJC in relation to which P is able to vote or act.

(2C) In paragraph (2) “suspended” means—

- (a) suspended or partially suspended under Part 3 of the Local Government Act 2000 as a member of the Mid Wales CJC, or
- (b) partially suspended under Part 3 of the Local Government Act 2000 as a member of the constituent council of which P is also a member.”

(3) In regulation 8 (Brecon Beacons member), for paragraph (3) substitute—

“(3) Where a person who is the Brecon Beacons member under paragraph (1) (“P”) is suspended or is unable to act as the Brecon Beacons member for any period, the Authority may appoint another of the office-holders mentioned in paragraph (2) as a substitute member of the Mid Wales CJC for that period.

(4) For the purposes of these Regulations (other than this regulation), and any other enactment, a substitute member appointed under paragraph (3) is to be treated as the Brecon Beacons member of the Mid Wales CJC.

(5) But the substitute member is not entitled to vote, or otherwise act as the Brecon Beacons member, in relation to the discharge of any function of the Mid Wales CJC in relation to which P is able to vote or act.

(6) In paragraph (3) “suspended” means—

- (a) suspended or partially suspended under Part 3 of the Local Government Act 2000 as a member of the Mid Wales CJC, or
- (b) partially suspended under Part 3 of the Local Government Act 2000 as a member of the Brecon Beacons National Park Authority.”

## **The North Wales Corporate Joint Committee Regulations 2021**

6.—(1) The North Wales Corporate Joint Committee Regulations 2021(12) are amended as follows.

(2) In regulation 7 (council members) for paragraph (2) substitute—

“(2) Where a person who is a council member under paragraph (1) (“P”) is suspended or is unable to act as a council member for any period, the constituent council of which P is a member may appoint a member of its executive as a substitute member of the North Wales CJC for that period.

(2A) For the purposes of these Regulations (other than this regulation), and any other enactment, a substitute member appointed under paragraph (2) is to be treated as a council member of the North Wales CJC.

(2B) But the substitute member is not entitled to vote, or otherwise act as a council member, in relation to the discharge of any function of the North Wales CJC in relation to which P is able to vote or act.

(2C) In paragraph (2) “suspended” means—

- (a) suspended or partially suspended under Part 3 of the Local Government Act 2000 as a member of the North Wales CJC, or
- (b) partially suspended under Part 3 of the Local Government Act 2000 as a member of the constituent council of which P is also a member.”

(3) In regulation 8 (Snowdonia member), for paragraph (3) substitute—

“(3) Where a person who is the Snowdonia member under paragraph (1) (“P”) is suspended or is unable to act as the Snowdonia member for any period, the Authority may appoint another of the office-holders mentioned in paragraph (2) as a substitute member of the North Wales CJC for that period.

(4) For the purposes of these Regulations (other than this regulation), and any other enactment, a substitute member appointed under paragraph (3) is to be treated as the Snowdonia member of the North Wales CJC.

(5) But the substitute member is not entitled to vote, or otherwise act as the Snowdonia member, in relation to the discharge of any function of the North Wales CJC in relation to which P is able to vote or act.

(6) In paragraph (3) “suspended” means—

- (a) suspended or partially suspended under Part 3 of the Local Government Act 2000 as a member of the North Wales CJC, or
- (b) partially suspended under Part 3 of the Local Government Act 2000 as a member of the Snowdonia National Park Authority.”

## **The South East Wales Corporate Joint Committee Regulations 2021**

7.—(1) The South East Wales Corporate Joint Committee Regulations 2021(13) are amended as follows.

(2) In regulation 7 (council members) for paragraph (2) substitute—

“(2) Where a person who is a council member under paragraph (1) (“P”) is suspended or is unable to act as a council member for any period, the constituent council of which P

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(12) S.I. 2021/339 (W. 93).

(13) S.I. 2021/343 (W. 97).



is a member may appoint a member of its executive as a substitute member of the South East Wales CJC for that period.

(2A) For the purposes of these Regulations (other than this regulation), and any other enactment, a substitute member appointed under paragraph (2) is to be treated as a council member of the South East Wales CJC.

(2B) But the substitute member is not entitled to vote, or otherwise act as a council member, in relation to the discharge of any function of the South East Wales CJC in relation to which P is able to vote or act.

(2C) In paragraph (2) “suspended” means—

- (a) suspended or partially suspended under Part 3 of the Local Government Act 2000 as a member of the South East Wales CJC, or
- (b) partially suspended under Part 3 of the Local Government Act 2000 as a member of the constituent council of which P is also a member.”

(3) In regulation 8 (Brecon Beacons member), for paragraph (3) substitute—

“(3) Where a person who is the Brecon Beacons member under paragraph (1) (“P”) is suspended or is unable to act as the Brecon Beacons member for any period, the Authority may appoint another of the office-holders mentioned in paragraph (2) as a substitute member of the South East Wales CJC for that period.

(4) For the purposes of these Regulations (other than this regulation), and any other enactment, a substitute member appointed under paragraph (3) is to be treated as the Brecon Beacons member of the South East Wales CJC.

(5) But the substitute member is not entitled to vote, or otherwise act as the Brecon Beacons member, in relation to the discharge of any function of the South East Wales CJC in relation to which P is able to vote or act.

(6) In paragraph (3) “suspended” means—

- (a) suspended or partially suspended under Part 3 of the Local Government Act 2000 as a member of the South East Wales CJC, or
- (b) partially suspended under Part 3 of the Local Government Act 2000 as a member of the Brecon Beacons National Park Authority.”

## **The South West Wales Corporate Joint Committee Regulations 2021**

**8.—(1)** The South West Wales Corporate Joint Committee Regulations 2021(**14**) are amended as follows.

(2) In regulation 7 (council members) for paragraph (2) substitute—

“(2) Where a person who is a council member under paragraph (1) (“P”) is suspended or is unable to act as a council member for any period, the constituent council of which P is a member may appoint a member of its executive as a substitute member of the South West Wales CJC for that period.

(2A) For the purposes of these Regulations (other than this regulation), and any other enactment, a substitute member appointed under paragraph (2) is to be treated as a council member of the South West Wales CJC.

(2B) But the substitute member is not entitled to vote, or otherwise act as a council member, in relation to the discharge of any function of the South West Wales CJC in relation to which P is able to vote or act.

(2C) In paragraph (2) “suspended” means—

- (a) suspended or partially suspended under Part 3 of the Local Government Act 2000 as a member of the South West Wales CJC, or
- (b) partially suspended under Part 3 of the Local Government Act 2000 as a member of the constituent council of which P is also a member.”

(3) In regulation 8 (Brecon Beacons and Pembrokeshire Coast members), for paragraphs (4) and (5) substitute—

“(4) Where a person who is the Brecon Beacons member or the Pembrokeshire Coast member under paragraph (1) or (2) (“P”) is suspended or is unable to act as a member for any period, the Authority may appoint another of the office-holders mentioned in paragraph (3) as a substitute member of the South West Wales CJC for that period.

(5) For the purposes of these Regulations (other than this regulation), and any other enactment, a substitute member appointed under paragraph (4) is to be treated as the Brecon Beacons member or the Pembrokeshire Coast member (as the case may be) of the South West Wales CJC.

(6) But the substitute member is not entitled to vote, or otherwise act as a member, in relation to the discharge of any function of the South West Wales CJC in relation to which P is able to vote or act.

(7) In this regulation—

“suspended” (“*wedi ei atal dros dro*”) means—

- (i) suspended or partially suspended under Part 3 of the Local Government Act 2000 as a member of the South West Wales CJC, or
- (ii) partially suspended under Part 3 of the Local Government Act 2000 as a member of the National Park Authority of which P is also a member;

“the Authority” (“*yr Awdurdod*”) means the Brecon Beacons National Park Authority or the Pembrokeshire Coast National Park Authority, as the case may be.”

## PART 4

Commercial activities, controlled entities and contracting etc.

### **Power to trade through a company**

**9.** In section 95(7) of the 2003 Act (power to trade in function-related activities through a company), in the definition of “relevant authority”, after paragraph (aa) insert—

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

### **Orders relating to companies in which a corporate joint committee has an interest**

**10.** In section 67(3) of the 1989 Act (application of Part relating to companies in which local authorities have an interest), after paragraph (aa) insert—

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

## Orders relating to entities controlled etc. by a corporate joint committee

**11.** In section 212(7) of the Local Government and Public Involvement in Health Act 2007<sup>(15)</sup> (entities controlled etc. by local authorities), in the definition of “local authority”, in paragraph (a), after “commissioner” insert “but including a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”.

## Contracting out

**12.** The Deregulation and Contracting Out Act 1994<sup>(16)</sup> is amended as follows—

(a) in section 70 (functions of local authorities)<sup>(17)</sup>—

(i) after subsection (1ZB) insert—

“(1ZC) In its application to a local authority which is a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021, subsection (1) has effect as if for paragraph (b) there were substituted—

“(b) which by virtue of regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 may be exercised by an officer of the authority;”

(ii) after subsection (5) insert—

“(5A) In its application to a local authority which is a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021, subsection (5) has effect as if the references to arrangements under section 101 of the Local Government Act 1972 were references to arrangements under regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021.”;

(b) in section 79B (meaning of local authority: Wales)<sup>(18)</sup>, after paragraph (d) insert—

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

## Certified contracts

**13.** In regulation 6 of the Local Authorities (Contracts) Regulations 1997 (matters to be dealt with in manner prescribed)<sup>(19)</sup>, after paragraph (2) insert—

“(3) In its application to the Mid Wales Corporate Joint Committee established by the Mid Wales Corporate Joint Committee Regulations 2021<sup>(20)</sup>, paragraph (1) is to be read as if the references to section 111 of the Local Government Act 1972 were references to regulation 14 of those Regulations.

(4) In its application to the North Wales Corporate Joint Committee established by the North Wales Corporate Joint Committee Regulations 2021<sup>(21)</sup>, paragraph (1) is to be read as if the references to section 111 of the Local Government Act 1972 were references to regulation 14 of those Regulations.

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<sup>(15)</sup> 2007 c. 28.

<sup>(16)</sup> 1994 c. 40.

<sup>(17)</sup> Section 70 has been amended by the Greater London Authority Act 1999 (c. 29), the Local Government and Public Involvement in Health Act 2007 (c. 28), the Public Bodies Act 2011 (c. 24), the Policing and Crime Act 2017 (c. 3) and S.I. 2002/808 (W. 89).

<sup>(18)</sup> Section 79B has been amended by the Local Government and Public Involvement in Health Act 2007 (c. 28), and the Police Reform and Social Responsibility Act 2011 (c. 13).

<sup>(19)</sup> S.I. 1997/2862. Those Regulations have been amended by S.I. 2000/1033 and S.I. 2001/723.

<sup>(20)</sup> S.I. 2021/342 (W. 96).

<sup>(21)</sup> S.I. 2021/339 (W. 93).

(5) In its application to the South East Wales Corporate Joint Committee established by the South East Wales Corporate Joint Committee Regulations 2021<sup>(22)</sup>, paragraph (1) is to be read as if the references to section 111 of the Local Government Act 1972 were references to regulation 14 of those Regulations.

(6) In its application to the South West Wales Corporate Joint Committee established by the South West Wales Corporate Joint Committee Regulations 2021<sup>(23)</sup>, paragraph (1) is to be read as if the references to section 111 of the Local Government Act 1972 were references to regulation 14 of those Regulations.”

### **Investment schemes**

14. In section 11(4)(a) of the Trustee Investments Act 1961<sup>(24)</sup> (local authority investment schemes), after “Fire and Rescue Services Act 2004” insert “, a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021”.

## **PART 5**

### **Financial matters**

#### **Requirement to maintain general fund**

15.—(1) After regulation 17 of the Mid Wales Corporate Joint Committee Regulations 2021 (funding of budget requirement) insert—

##### **“General Fund**

17A.—(1) The Mid Wales CJC must establish and maintain a fund to be known as the Mid Wales CJC’s general fund.

(2) Any sums received by the Mid Wales CJC (including sums received under regulation 17(1) or (2)) must be paid into its general fund.

(3) All payments made by the Mid Wales CJC must be made out of its general fund.

(4) The Mid Wales CJC must keep an account of receipts paid into, and payments made out of, its general fund.

(5) Paragraphs (2) and (3) do not apply to any sums to be paid into, or out of, an external fund within the meaning given by section 17 of the Local Government Act 2003 (external funds).”

(2) After regulation 17 of the North Wales Corporate Joint Committee Regulations 2021 (funding of budget requirement) insert—

##### **“General Fund**

17A.—(1) The North Wales CJC must establish and maintain a fund to be known as the North Wales CJC’s general fund.

(2) Any sums received by the North Wales CJC (including sums received under regulation 17(1) or (2)) must be paid into its general fund.

(3) All payments made by the North Wales CJC must be made out of its general fund.

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<sup>(22)</sup> S.I. 2021/343 (W. 97).

<sup>(23)</sup> S.I. 2021/352 (W. 104).

<sup>(24)</sup> 1961 c. 62.

(4) The North Wales CJC must keep an account of receipts paid into, and payments made out of, its general fund.

(5) Paragraphs (2) and (3) do not apply to any sums to be paid into, or out of, an external fund within the meaning given by section 17 of the Local Government Act 2003 (external funds).”

(3) After regulation 17 of the South East Wales Corporate Joint Committee Regulations 2021 (funding of budget requirement) insert—

**“General Fund**

**17A.**—(1) The South East Wales CJC must establish and maintain a fund to be known as the South East Wales CJC’s general fund.

(2) Any sums received by the South East Wales CJC (including sums received under regulation 17(1) or (2)) must be paid into its general fund.

(3) All payments made by the South East Wales CJC must be made out of its general fund.

(4) The South East Wales CJC must keep an account of receipts paid into, and payments made out of, its general fund.

(5) Paragraphs (2) and (3) do not apply to any sums to be paid into, or out of, an external fund within the meaning given by section 17 of the Local Government Act 2003 (external funds).”

(4) After regulation 17 of the South West Wales Corporate Joint Committee Regulations 2021 (funding of budget requirement) insert—

**“General Fund**

**17A.**—(1) The South West Wales CJC must establish and maintain a fund to be known as the South West Wales CJC’s general fund.

(2) Any sums received by the South West Wales CJC (including sums received under regulation 17(1) or (2)) must be paid into its general fund.

(3) All payments made by the South West Wales CJC must be made out of its general fund.

(4) The South West Wales CJC must keep an account of receipts paid into, and payments made out of, its general fund.

(5) Paragraphs (2) and (3) do not apply to any sums to be paid into, or out of, an external fund within the meaning given by section 17 of the Local Government Act 2003 (external funds).”

**Public supply or works contracts**

**16.** In Schedule 2 to the Local Government Act 1988(**25**) (public supply or works contracts: the public authorities), at the end of the list headed “Public authorities” insert—

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

**Payments by Welsh Ministers towards indebtedness**

**17.** In section 39(7) of the 2003 Act (payments towards local authority indebtedness), for paragraph (b) substitute—

- “(b) in relation to Wales—
- (i) a county council,
  - (ii) a county borough council, or
  - (iii) a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”

### **Insurance against accidents**

**18.** After section 140C of the 1972 Act insert—

#### **“140D Application of sections 140, 140A and 140C to corporate joint committees**

**140D** Sections 140, 140A and 140C (apart from subsection (4) of that section) apply to a corporate joint committee as they apply to a local authority.”

### **Subscriptions to local government associations**

**19.** In section 143(2) of the 1972 Act (miscellaneous), after “Common Council” insert “and a corporate joint committee”.

## **PART 6**

### **Legal proceedings, liability and validity of acts**

#### **Power to prosecute or defend legal proceedings**

**20.** In section 222 of the 1972 Act (power of local authorities to prosecute or defend legal proceedings)—

- (a) in subsection (2), after “Common Council” insert “, a corporate joint committee”;
- (b) after that subsection insert—

“(3) In the application of subsection (1) to a corporate joint committee, the reference to the corporate joint committee’s area is to be read as a reference to the area specified as the corporate joint committee’s area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.”

#### **Appearance in proceedings before a magistrates’ court**

**21.** In section 223(2) of the 1972 Act (appearance of local authorities in legal proceedings), after “Common Council” insert “, a corporate joint committee”.

#### **Protection from personal liability**

**22.—**(1) Nothing done by a corporate joint committee and no contract entered into by a corporate joint committee may subject—

- (a) the corporate joint committee;
- (b) a person described in paragraph (4),

personally to any action, liability, claim or demand, if the thing was done, or the contract entered into, in good faith for the purposes of executing any provision in any enactment.

(2) In relation to a corporate joint committee, nothing done by a person described in paragraph (4) may subject—

- (a) any other person described in paragraph (4);
- (b) the corporate joint committee,

personally to any action, liability, claim or demand, if the thing was done in good faith for the purposes of executing any provision in any enactment.

(3) Any expense incurred by a person mentioned in paragraph (1) or (2) acting as mentioned in that paragraph is to be borne and repaid out of the fund applicable by the corporate joint committee to the execution of the provision in question.

(4) The persons described in this paragraph are—

- (a) a member of the corporate joint committee;
- (b) a member of a sub-committee of the corporate joint committee;
- (c) a member of staff of the corporate joint committee;
- (d) a person acting under the direction of the corporate joint committee.

#### **Validity of acts done by disqualified persons**

**23.** The acts of any person acting as a member of a corporate joint committee shall, notwithstanding the disqualification of that person, be as valid and effectual as if that person were not disqualified.

#### **Indemnities for members and staff**

**24.** In article 2 of the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006(26) (interpretation), in the definition of “relevant authority”, after “community council,” insert “a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021,”.

## **PART 7**

### **Records, documents and notices etc.**

#### **Records**

**25.—**(1) A corporate joint committee must—

- (a) make arrangements for the proper care, preservation and management of the corporate joint committee’s records, and
- (b) make and maintain a scheme setting out those arrangements (a “records scheme”).

(2) A corporate joint committee must keep its records scheme under review and may revise the scheme.

(3) A corporate joint committee must consult the Welsh Ministers before making, or revising, a records scheme.

(4) Where a corporate joint committee arranges under regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021(27) (arrangements for the discharge of

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(26) S.I. 2006/249 (W 37).

(27) S.I. 2021/1349 (W 348).

functions) for any of its functions relating to the proper care, preservation and management of its records to be discharged by—

- (a) another corporate joint committee, or
- (b) a county or county borough council in Wales,

the corporate joint committee must set out those arrangements in its records scheme.

(5) Where a corporate joint committee's records relate to the area, or part of the area, of another corporate joint committee, that other corporate joint committee may inspect those records, and take copies of them, free of charge.

- (6) For the purposes of this regulation, a corporate joint committee's records are records—
  - (a) in any form, and any medium, capable of conveying information, and
  - (b) which belong to, or are in the custody of, the corporate joint committee.

#### **Deposit of documents with proper officer**

26. In section 225(3) of the 1972 Act (deposit of documents with proper officer), after “joint authority” insert “, a corporate joint committee”.

#### **Inspection of documents**

27. After section 228(9) of the 1972 Act (inspection of documents), insert—

“(10) Subsections (2) to (7) apply to a corporate joint committee as they apply to a local authority and, in that application, references to a local government elector for the area of the authority are to be read as references to a local government elector for any local government area in the area specified as the corporate joint committee's area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.”

#### **Copies of documents**

28. In section 229(8) of the 1972 Act (photographic copies of documents), after “includes” insert “a corporate joint committee,”.

#### **Service of notices to a corporate joint committee**

29. In section 231 of the 1972 Act (service of notices on local authorities)—

- (a) in subsection (4), after “includes” insert “a corporate joint committee,”;
- (b) after that subsection insert—

“(5) In the application of subsection (1) to a corporate joint committee—

- (a) references to the chairman are to be read as references to the chairperson of the corporate joint committee, and
- (b) references to the principal office are to be read as references to—
  - (i) the principal office of the corporate joint committee, or
  - (ii) a principal office of a local authority for a county or county borough in Wales which is within the area specified as the corporate joint committee's area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.”



## Public notices

**30.** In section 232 of the 1972 Act (public notices)—

- (a) in subsection (1A), after “includes” insert “a corporate joint committee,”;
- (b) after that subsection insert—

“(1B) In the application of subsection (1) to a corporate joint committee, the reference to the corporate joint committee’s area is to be read as a reference to the area specified as the corporate joint committee’s area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.”

## Service of notices by a corporate joint committee

**31.**—(1) Paragraph (2) applies where an enactment requires (in whatever terms) a corporate joint committee to—

- (a) notify a person of something, or
- (b) give a notice or other document to a person (including a copy of a document or a revised document).

(2) The notification or document may be given to the person in question—

- (a) by being hand delivered to the person;
- (b) by leaving it at the person’s proper address;
- (c) by being sent to the person’s proper address by post;
- (d) by being sent electronically to the person.

(3) For the purposes of paragraph (2), a person’s proper address is—

- (a) in the case of a body corporate, the address of the registered or principal office of the body;
- (b) in the case of a partnership, the address of the principal office of the partnership;
- (c) in any other case, the person’s last known address.

(4) If a person has specified an address in the United Kingdom other than the person’s proper address within the meaning of paragraph (3) as an address to which notifications or documents may be delivered, the specified address is also to be treated as the person’s proper address for the purposes of paragraph (2).

(5) A notification or document is to be treated as having been hand delivered under paragraph (2) (a)—

- (a) in the case of a body corporate, if it is hand delivered to the secretary or clerk of the body;
- (b) in the case of a partnership, if it is hand delivered to a partner or a person having the control or management of the partnership business.

(6) If a corporate joint committee cannot ascertain the name or address of any owner, lessee or occupier of land to whom a notification or document is to be given by virtue of a requirement referred to in paragraph (1), the notification or document may be given—

- (a) by hand delivering it to a person who is or appears to be resident or employed on the land, or
- (b) by leaving it conspicuously affixed to some building or object on the land.

(7) Where the requirement referred to in paragraph (1) is contained in a non-LWA enactment—

- (a) a notification or document is sent electronically to a person if—

- (i) an electronic communication consisting of or containing the notification or document, or to which the notification or document is attached, is properly addressed and sent to the person, and
  - (ii) it is sent in an electronic form which is capable of being accessed and retained by the person;
- (b) a notification or document given by means of being sent electronically is deemed to be given, unless the contrary is proved, on the day on which the electronic communication is sent;
- (c) see section 7 of the Interpretation Act 1978<sup>(28)</sup> (references to service by post), or section 26 of the Interpretation Act 1889 (meaning of service by post), for provision about when a document sent by post is deemed to have been given to a person.

(8) Where the requirement referred to in paragraph (1) is contained in an LWA enactment, see sections 13 (service of documents by post or electronically) and 14 (day on which service is deemed to be effective) of the Legislation (Wales) Act 2019<sup>(29)</sup> for provision about giving documents by post or electronically.

(9) In this regulation—

(a) an “LWA enactment” means—

(i) an Act of Senedd Cymru, or

(ii) a Welsh subordinate instrument within the meaning given by section 3(2) of the Legislation (Wales) Act 2019 (legislation to which this Part applies),

to which Part 2 of the Legislation (Wales) Act 2019 applies;

(b) a “non-LWA enactment” means an enactment to which Part 2 of the Legislation (Wales) Act 2019 does not apply.

### **Authentication of documents**

**32.** In section 234(4) of the 1972 Act (authentication of documents), after “includes” insert “a corporate joint committee.”

## **PART 8**

### **General provisions in relation to staff**

#### **Security taken in relation to staff**

**33.** After section 114(3) of the 1972 Act (security to be taken in relation to officers) insert—

“(4) In this section “local authority” includes a corporate joint committee.”

#### **Accountability of staff**

**34.** After section 115(2) of the 1972 Act (accountability of officers) insert—

“(3) In this section “local authority” includes a corporate joint committee.”

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<sup>(28)</sup> 1978 c. 30.

<sup>(29)</sup> 2019 anaw 4.

### **Duty on staff to disclose interest in contracts**

- 35.** In section 117 of the 1972 Act (disclosure by officers of interests in contracts)—
- (a) in subsection (4), after “include references” insert “to a corporate joint committee and”;
  - (b) after that subsection insert—
    - “(5) In the application of this section to a corporate joint committee—
    - (a) the reference in subsection (1) to any committee of an authority is to be read as a reference to any sub-committee of the corporate joint committee, and
    - (b) section 95 of this Act is to be treated as if it applies to a corporate joint committee as it applies to another authority for the purposes of this section.”

### **Staff to be appointed on merit**

- 36.** In section 7 of the 1989 Act (all staff to be appointed on merit)—
- (a) in subsection (1)—
    - (i) omit “or” after paragraph (aa);
    - (ii) after that paragraph insert—
      - “(ab) a corporate joint committee, or”;
  - (b) in subsection (2)—
    - (i) after “committee” insert “or sub-committee”;
    - (ii) after “local authority” insert “, corporate joint committee”.

### **Limit on paid leave for local authority duties**

- 37.** In section 10(2) of the 1989 Act (limit on paid leave for local authority duties)—
- (a) omit “and” immediately following the definition of “financial year”;
  - (b) after that definition insert—
    - ““local authority” includes a corporate joint committee; and”.

### **Conflict of interest in staff negotiations**

- 38.** In section 12(2) of the 1989 Act (conflict of interest in staff negotiations), before the definition of “member” insert—
  - ““local authority” includes a corporate joint committee;”.

### **Members disqualified for being members of staff**

- 39.** A member of a corporate joint committee is disqualified for being appointed or elected by that corporate joint committee to any paid office other than the office of chairperson or vice-chairperson.

## PART 9

### Miscellaneous and consequential amendments

#### *Miscellaneous amendments to the establishment Regulations*

#### **The Mid Wales Corporate Joint Committee Regulations 2021**

**40.**—(1) The Mid Wales Corporate Joint Committee Regulations 2021<sup>(30)</sup> are amended as follows.

- (2) In regulation 1(3)(d) (commencement of certain provisions) omit “11,”.
- (3) In regulation 2 (interpretation)—
  - (a) in the definition of “the Brecon Beacons member”, for “regulation 8” substitute “regulation 8(1)”;
  - (b) omit the definition of “National Park Authority”;
  - (c) in the appropriate places insert—
    - ““substitute member” (*“aelod dirprwyol”*) means a person appointed under regulation 7(2) or 8(3)”;
    - ““the Brecon Beacons National Park Authority” (*“Awdurdod Parc Cenedlaethol Bannau Brycheiniog”*) means the authority established for that National Park by the National Park Authorities (Wales) Order 1995 (S.I. 1995/2803)”.
- (4) In regulation 8(2B)(a), after “agree” insert “unanimously”.
- (5) In regulation 9(2)(b), after “members” insert “entitled to vote on the decision”.
- (6) After regulation 9 insert—

#### **“Disqualification for being a co-opted member**

**9A.**—(1) A person is disqualified for being co-opted as a member of the Mid Wales CJC if the person—

- (a) holds a paid office or employment, appointment or election to which is or may be made or confirmed by—
    - (i) the Mid Wales CJC;
    - (ii) a sub-committee of the Mid Wales CJC;
    - (iii) a holder of a paid office or employment of the kind described in paragraph (i) or (ii), or
  - (b) is disqualified under section 80B of the Local Government Act 1972 for being a member of—
    - (i) a constituent council;
    - (ii) the Brecon Beacons National Park Authority.
- (2) Paragraph (1) does not apply to a person who is disqualified for being a member of a corporate joint committee under section 1 of the Local Government and Housing Act 1989 (disqualification by virtue of holding politically restricted post).”
- (7) In paragraph 5(a) of the Schedule, for paragraph (i) substitute—
- “(i) regulation 8(2B);

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<sup>(30)</sup> S.I. 2021/342 (W. 96).

(ia) regulation 17, or”.

(8) After paragraph 7(3) of the Schedule, insert—

“(3A) A procedure adopted under this paragraph may include provision for a council member or the Brecon Beacons member of the Mid Wales CJC to vote by proxy.”

### **The South East Wales Corporate Joint Committee Regulations 2021**

**41.**—(1) The South East Wales Corporate Joint Committee Regulations 2021(**31**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of “the Brecon Beacons member”, for “regulation 8” substitute “regulation 8(1)”;

(b) omit the definition of “National Park Authority”;

(c) in the appropriate places insert—

““substitute member” (*“aelod dirprwyol”*) means a person appointed under regulation 7(2) or 8(3)”;

““the Brecon Beacons National Park Authority” (*“Awdurdod Parc Cenedlaethol Bannau Brycheiniog”*) means the authority established for that National Park by the National Park Authorities (Wales) Order 1995 ([S.I. 1995/2803](#))”.

(3) In regulation 8(2B)(a), after “agree” insert “unanimously”.

(4) In regulation 9(2)(b), after “members” insert “entitled to vote on the decision”.

(5) After regulation 9 insert—

#### **“Disqualification for being a co-opted member**

**9A.**—(1) A person is disqualified for being co-opted as a member of the South East Wales CJC if the person—

(a) holds a paid office or employment, appointment or election to which is or may be made or confirmed by—

(i) the South East Wales CJC;

(ii) a sub-committee of the South East Wales CJC;

(iii) a holder of a paid office or employment of the kind described in paragraph (i) or (ii), or

(b) is disqualified under section 80B of the Local Government Act 1972 for being a member of—

(i) a constituent council;

(ii) the Brecon Beacons National Park Authority.

(2) Paragraph (1) does not apply to a person who is disqualified for being a member of a corporate joint committee under section 1 of the Local Government and Housing Act 1989 (disqualification by virtue of holding politically restricted post).”

(6) In paragraph 5(a) of the Schedule, for paragraph (i) substitute—

“(i) regulation 8(2B);

(ia) regulation 17, or”.

(7) After paragraph 7(3) of the Schedule, insert—

“(3A) A procedure adopted under this paragraph may include provision for a council member or the Brecon Beacons member of the South East Wales CJC to vote by proxy.”

### **The North Wales Corporate Joint Committee Regulations 2021**

**42.**—(1) The North Wales Corporate Joint Committee Regulations 2021(**32**) are amended as follows.

- (2) In regulation 1(3)(d) (commencement of certain provisions) omit “11,”.
- (3) In regulation 2 (interpretation)—
  - (a) omit the definition of “National Park Authority”;
  - (b) in the definition of “the Snowdonia member” for “regulation 8” substitute “regulation 8(1)”;
  - (c) in the appropriate places insert—
 

““the Snowdonia National Park Authority” (*“Awdurdod Parc Cenedlaethol Eryri”*) means the authority established for that National Park by the National Park Authorities (Wales) Order 1995 (*S.I. 1995/2803*);

““substitute member” (*“aelod dirprwyol”*) means a person appointed under regulation 7(2) or 8(3)”.
- (4) In regulation 8(2B)(a), after “agree” insert “unanimously”.
- (5) In regulation 9(2)(b), after “members” insert “entitled to vote on the decision”.
- (6) After regulation 9 insert—

#### **“Disqualification for being a co-opted member**

**9A.**—(1) A person is disqualified for being co-opted as a member of the North Wales CJC if the person—

- (a) holds a paid office or employment, appointment or election to which is or may be made or confirmed by—
    - (i) the North Wales CJC;
    - (ii) a sub-committee of the North Wales CJC;
    - (iii) a holder of a paid office or employment of the kind described in paragraph (i) or (ii), or
  - (b) is disqualified under section 80B of the Local Government Act 1972 for being a member of—
    - (i) a constituent council;
    - (ii) the Snowdonia National Park Authority.
- (2) Paragraph (1) does not apply to a person who is disqualified for being a member of a corporate joint committee under section 1 of the Local Government and Housing Act 1989 (disqualification by virtue of holding politically restricted post).”
- (7) In paragraph 5(a) of the Schedule, for paragraph (i) substitute—
 

“(i) regulation 8(2B);

(ia) regulation 17, or”.
  - (8) After paragraph 7(3) of the Schedule, insert—

“(3A) A procedure adopted under this paragraph may include provision for a council member or the Snowdonia member of the North Wales CJC to vote by proxy.”

### **The South West Wales Corporate Joint Committee Regulations 2021**

**43.**—(1) The South West Wales Corporate Joint Committee Regulations 2021(**33**) are amended as follows.

- (2) In regulation 1(3)(d) (commencement of certain provisions) omit “11,”.
- (3) In regulation 2 (interpretation)—
  - (a) in the definition of “the Brecon Beacons member”, for “regulation 8(1)(1)” substitute “regulation 8(1)”;
  - (b) omit the definition of “National Park Authority”;
  - (c) in the appropriate places insert—

““the Brecon Beacons National Park Authority” (*Awdurdod Parc Cenedlaethol Bannau Brycheiniog*)” means the authority established for that National Park by the National Park Authorities (Wales) Order 1995 (S.I. 1995/2803)”;

““the Pembrokeshire Coast National Park Authority” (*Awdurdod Parc Cenedlaethol Arfordir Penfro*)” means the authority established for that National Park by the National Park Authorities (Wales) Order 1995 (S.I. 1995/2803)”;

““substitute member” (*“aelod dirprwyol”*) means a person appointed under regulation 7(2) or 8(4).”
- (4) In regulation 8(3B)(a), after “agree” insert “unanimously”.
- (5) In regulation 9(2)(b), after “members” insert “entitled to vote on the decision”.
- (6) After regulation 9 insert—

#### **“Disqualification for being a co-opted member**

**9A.**—(1) A person is disqualified for being co-opted as a member of the South West Wales CJC if the person—

- (a) holds a paid office or employment, appointment or election to which is or may be made or confirmed by—
    - (i) the South West Wales CJC;
    - (ii) a sub-committee of the South West Wales CJC;
    - (iii) a holder of a paid office or employment of the kind described in paragraph (i) or (ii), or
  - (b) is disqualified under section 80B of the Local Government Act 1972 for being a member of—
    - (i) a constituent council;
    - (ii) the Brecon Beacons National Park Authority;
    - (iii) the Pembrokeshire Coast National Park Authority.
- (2) Paragraph (1) does not apply to a person who is disqualified for being a member of a corporate joint committee under section 1 of the Local Government and Housing Act 1989 (disqualification by virtue of holding politically restricted post).”
- (7) In paragraph 5(a) of the Schedule, for paragraph (i) substitute—

“(i) regulation 8(3B);

(ia) regulation 17, or”.

(8) After paragraph 7(3) of the Schedule, insert—

“(3A) A procedure adopted under this paragraph may include provision for a council member, the Brecon Beacons member or the Pembrokeshire Coast member of the South West Wales CJC to vote by proxy.”

#### *Miscellaneous provisions in other enactments*

#### **Duty to prepare and publish a constitution etc.**

**44.** After section 37(4) of the 2000 Act (local authority constitution) insert—

“(5) This section applies to a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 as it applies to a local authority which are operating executive arrangements and in that application—

- (a) references to a “local authority” or “authority” are to be read as references to a corporate joint committee;
- (b) subsection (2) is to be treated as if it were omitted;
- (c) the references in subsection (4) to “members and co-opted members” are to be read as references to members of a corporate joint committee.”

#### **Research and the collection of information**

**45.** For section 141(3) of the 1972 Act (research and collection of information) substitute—

“(3) This section has effect—

- (a) in relation to a principal council in Wales—
  - (i) as if any reference to a council were a reference to the principal council, and
  - (ii) as if any reference to a county were a reference to the principal area;
- (b) in relation to a corporate joint committee—
  - (i) as if any reference to a council were a reference to the corporate joint committee,
  - (ii) as if any reference to a county were a reference to the area specified as the corporate joint committee’s area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee, and
  - (iii) as if any reference to any other local authority in the county were a reference to any local authority in the corporate joint committee’s area.”

#### **Restrictions on disclosing information under health and safety legislation**

**46.** In section 28(6) of the Health and Safety at Work etc. Act 1974(**34**) (restrictions on disclosure of information), after “include” insert “a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021,”.

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(34) 1974 c. 37.



### **Publication of information in accordance with code of practice issued under section 2 of the 1980 Act**

47. In section 2(1) of the 1980 Act (duty of authorities to publish information), after paragraph (ha) insert—

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

### **Land held by a corporate joint committee**

48. In the 1980 Act—

- (a) in section 99(4) (directions to dispose of land), after paragraph (aa) insert—

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

- (b) in Schedule 16 (bodies to whom Part 10 applies), after paragraph 1A insert—

“**1B.** A corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”

### **Right to family absence**

49. In section 33 of the Local Government (Wales) Measure 2011(35) (interpretation of Part 2), in the appropriate place insert—

““local authority” (“*awdurdod lleol*”) includes a corporate joint committee;”.

### **Paid office or employment to which disqualification for being a member applies**

50. In section 80C(1) of the 1972 Act (paid office or employment to which disqualification applies)—

- (a) at the end of paragraph (c) omit “or”;

- (b) after paragraph (c) insert—

“(ca) a corporate joint committee established in relation to the area of the local authority; or”;

- (c) in paragraph (d) for “or (c)” substitute “,(c) or (ca)”.

23 March 2022

*Rebecca Evans*  
Minister for Finance and Local Government, one  
of the Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made as part of a suite of regulations connected with the establishment of corporate joint committees in Wales by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.

There are 9 Parts to these Regulations.

Part 1 makes general provision about commencement and interpretation.

Part 2 applies Part 3 of the Local Government Act 2000 (“the 2000 Act”) to corporate joint committees by amending section 49 of that Act to make a corporate joint committee a “relevant authority” for the purposes of Part 3 of that Act. Any member of a corporate joint committee and any person appointed to a sub-committee of the corporate joint committee and entitled to vote on matters to be decided by that sub-committee (referred to as a “co-opted member” in the 2000 Act) is required to comply with the code of conduct adopted by the corporate joint committee.

Allegations of non-compliance with a code of conduct are investigated by the Public Service Ombudsman for Wales and decided by the Adjudication Panel for Wales who may suspend or disqualify a member or co-opted member in the event of a finding of non-compliance. Additionally, a council or National Park authority member of a corporate joint committee who is suspended from their authority is automatically suspended from the corporate joint committee as a result.

Part 2 also applies sections 92 (payments in cases of maladministration etc.) and 101 (indemnification of members and officers) of the 2000 Act to corporate joint committees, as a result of making a corporate joint committee a “relevant authority” in Part 3 of the 2000 Act.

Part 2 also applies section 92 of the Local Government Act 1972 (“the 1972 Act”), which makes provision about legal proceedings against a person who has allegedly acted as a member of a local authority while disqualified.

Part 3 confers a power on the constituent councils and constituent National Park authorities of the four existing corporate joint committees to appoint a substitute member to a corporate joint committee in the event that the council or National Park authority member is themselves unable to act. This power applies both where the usual member is unable to act or is suspended or partially suspended from the corporate joint committee and where the usual member is partially suspended from the council or National Park authority, as the case may be. The law will apply to substitute members in the same way it would have applied to the members for whom they are standing in.

Part 4 makes provision about the commercial activities of a corporate joint committee and the ability of a corporate joint committee to enter into contracts (including by amending the Local Authorities (Contracts) Regulations 1997 (S.I. 1997/2862) which are made under the Local Government (Contracts) Act 1997 (c. 65); that Act applies to corporate joint committees by virtue of those bodies being authorities to which Chapter 1 of Part 1 of the Local Government Act 2003 applies – see paragraph 1 of Schedule 2 to the Corporate Joint Committees (General) (Wales) Regulations 2021 (S.I. 2021/327 (W. 85))).

Part 5 makes provision about other financial matters. These include a requirement for the four existing corporate joint committees to maintain a general fund, and functions in respect of specific types of contract and insurance conferred on corporate joint committees generally.

Part 6 makes provision about the status of corporate joint committees as well as members and members of staff of corporate joint committees in relation to legal proceedings. These include

applying section 222 of the 1972 Act (rights to bring and defend legal proceedings) to corporate joint committees and applying protections from personal liability for members and members of staff of corporate joint committees equivalent to those conferred on such individuals within local authorities by section 39 of the Local Government (Miscellaneous Provisions) Act 1976.

Part 7 makes provision about records and service of notices and documents to and by a corporate joint committee.

Part 8 applies in relation to the staff of corporate joint committees, general provision applying in relation to staff of local authorities as set out in the 1972 Act and the Local Government and Housing Act 1989. This includes requirements to appoint staff on merit and rights of staff to certain leave and allowances.

Part 9 makes miscellaneous and consequential provision which largely extends existing provision in respect of local authorities to corporate joint committees: in particular, provision disqualifying holders of certain paid positions for being appointed as members of corporate joint committees and also provision applying Part 2 of the Local Government (Wales) Measure 2011 (rights to family absence) to members of corporate joint committees.

These Regulations are connected with the regulations which established certain corporate joint committees under Part 5 of the Local Government and Elections (Wales) Act 2021 and which came into force on 1 April 2021 and 30 June 2021. A regulatory impact assessment was prepared at the time of making those establishment regulations and a copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.