
WELSH STATUTORY INSTRUMENTS

2022 No. 372

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

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)—
- (a) in subsection (6), after paragraph (b) insert—
- “**(ba)** a corporate joint committee;”;
- (b) 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)—
- (a) 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.
- (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.”