

SL(5)767 – The Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021

Background and Purpose

The Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021 (“the Regulations”) are made under the enabling powers contained in sections 83(2), 84 and 174 of the Local Government and Elections (Wales) Act 2021 (asc. 1) (“the 2021 Act”).

Part 5 of the 2021 Act confers power on the Welsh Ministers to establish corporate joint committees. Corporate joint committees are bodies corporate consisting of such county councils and county borough councils in Wales as are specified in the Regulations establishing them. They may exercise the functions specified in those Regulations, including (among other things) specified functions of a county or county borough council relating to transport.

Section 83(2) provides the Welsh Ministers with a power to make supplementary, incidental, consequential, transitional, transitory or saving provision applying in relation to (a) all corporate joint committees; (b) a particular corporate joint committee, and (c) a particular description of corporate joint committee. And section 84 provides the Welsh Ministers with a power to make provision in connection with Part 5 of the 2021 Act, which amend, modify, apply (with or without modifications) or disapply any enactment. Finally, section 174 requires that these Regulations will be subject to the affirmative resolution procedure in the Senedd.

Part 2 of the Transport Act 2000 (c. 38) (the “2000 Act”) makes provision about local transport in Wales. In particular it makes provision about Local Transport Authorities which, in Wales, are defined for the purposes of Part 2 as county or county borough councils.

Section 108 of the 2000 Act requires a Local Transport Authority to develop a local transport plan which promotes safe, integrated, efficient and economic transport within the authority’s area.

The Regulations modify the 2000 Act in cases where a corporate joint committee has been established by Regulations, and the function of developing polices under section 108 of the 2000 Act has been conferred on the corporate joint committee. The modifications require the corporate joint committee to develop transport polices and establish a regional transport plan for its area. It is however the role of each Local Transport Authority within the corporate joint committee’s area to implement the policies. Four corporate joint committees have been established under their respective Regulations.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.



Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The subject heading of the Regulations refers to, "LOCAL GOVERNMENT, WALES". It is noted that the main focus of the Regulations is the transfer of local transport related functions to the relevant newly formed corporate joint committees. As such, it is unclear why the subject heading does not include also 'TRANSPORT'.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

2 March 2021

