

Draft Regulations laid before Senedd Cymru under section 174 of the Local Government and Elections (Wales) Act 2021, for approval by resolution of Senedd Cymru.

DRAFT WELSH STATUTORY
INSTRUMENTS

2021 No. (W.)

**LOCAL GOVERNMENT,
WALES**

**The Corporate Joint Committees
(Transport Functions) (Wales)
Regulations 2021**

EXPLANATORY NOTE

(This note is not part of the Regulations)

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.

Part 5 of the Local Government and Elections Wales Act 2021 (asc 1) 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.

These 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.

The functions under section 108 have been conferred on 4 corporate joint committees established under the following Regulations—

- (a) The South East Wales Corporate Joint Committee Regulations 2021 (S.I. 2021/xxxx) (W. xx);
- (b) The South West Wales Corporate Joint Committee Regulations 2021 (S.I. 2021/xxxx) (W. xx);
- (c) The Mid Wales Corporate Joint Committee Regulations 2021 (S.I. 2021/xxxx) (W. xx);
- (d) The North Wales Corporate Joint Committee Regulations 2021 (S.I. 2021/xxxx) (W. xx).

These Regulations are connected with Regulations which establish certain corporate joint committees under Part 5 of the Local Government and Elections (Wales) Act 2021. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to the Regulations which establish corporate joint committees and connected regulations. As a result a regulatory impact assessment has been prepared. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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Made

Coming into force

28 February 2022

The Welsh Ministers, in exercise of the powers conferred on them by sections 83(2), 84 and 174 of the Local Government and Elections (Wales) Act 2021⁽¹⁾, make the following Regulations.

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)(k) and (l) of that Act.

Title and coming into force

1. The title of these Regulations is the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021, and they come into force on 28 February 2022.

Interpretation

2. In these Regulations—

“constituent council” means a council for a county or county borough council in Wales, in respect of whose area the Welsh Ministers have established a corporate joint committee;

(1) 2021 asc. 1.

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

Modification of the Transport Act 2000

3. Where the function of developing policies under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000 (“the 2000 Act”) in respect of the area of a local transport authority is conferred on a corporate joint committee, the 2000 Act applies in relation to—

- (a) a corporate joint committee upon which the functions are conferred, and
- (b) its constituent councils,

subject to the modifications set out in the Schedule.

Name

Minister for Housing and Local Government, one of the Welsh Ministers

Date

SCHEDULE

Modification of the Transport Act 2000

1. In so far as it applies as mentioned in regulation 3, Part 2 of the 2000 Act is to be read as if modified as follows.

2. Section 108 (local transport plans) is to be read as if—

(a) for subsection (1) there were substituted—

“(1) A corporate joint committee must develop policies, to be implemented under subsection (1A), for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within its area.”;

(b) after subsection (1) there were inserted—

“(1A) Each local transport authority in Wales whose area falls within the area of a corporate joint committee must carry out their functions so as to implement the policies developed by the corporate joint committee under subsection (1).”
;

(c) for subsection (2A) there were substituted—

“(2A) A corporate joint committee must also develop policies for the implementation by the local transport authorities in its area of the Wales Transport Strategy.”;

(d) after subsection (2A) there were inserted—

“(2B) Each local transport authority in Wales whose area falls within the area of a corporate joint committee must carry out their functions so as to implement the policies developed under subsection (2A).”;

(e) for subsection (3A) there were substituted—

“(3A) A corporate joint committee must prepare a document to be known as the regional transport plan containing its policies under subsections (1) and (2A).”;

(f) for subsection (5) there were substituted—

“(5) In this Part “local transport policies”, in relation to a local transport authority, means policies developed under subsection (1) in so far as they relate to the authority’s area.”;

(g) after subsection (5) there were inserted—

“(6) In this Part—

(a) “corporate joint committee” means a corporate joint committee established by regulations made under Part 5 of the

Local Government and Elections (Wales) Act 2021, and

(b) a reference to an area of a corporate joint committee is a reference to the area comprising—

(i) the areas of the local transport authorities that made a joint committee application under section 72(1) of that Act for regulations to be made under that section establishing the corporate joint committee, or

(ii) the relevant areas (within the meaning given by section 74(1) of that Act) specified in the regulations establishing the corporate joint committee.”;

(h) the heading of the section were “Local and Regional Transport Plans”.

3. For section 109A there were substituted—

“109A Approval of regional plan

(1) A corporate joint committee must submit its regional transport plan to the Welsh Ministers for their approval.

(2) If the Welsh Ministers refuse to approve the plan—

(a) they must give the corporate joint committee a statement of their reasons for its refusal, and

(b) the corporate joint committee must prepare another regional transport plan and submit the plan to the Welsh Ministers for their approval.

(3) If the Welsh Ministers approve a plan under this section, the plan has effect when the approval is given.

(4) The Welsh Ministers may approve a regional transport plan under this section if (but only if) they consider—

(a) that the plan is consistent with the Wales Transport Strategy, and

(b) that the policies contained in the plan are adequate for implementation in the corporate joint committee’s area of the Strategy.”

4. For section 109B there were substituted—

“109B Further provision about the regional plan

(1) A corporate joint committee must keep its regional transport plan under review and alter it if it considers it appropriate to do so.

(2) A corporate joint committee must in particular review the plan as soon as practicable after the publication of the Wales Transport Strategy or any revision of it.

(3) A corporate joint committee must replace its regional transport plan not later than five years after the date on which the plan was approved under section 109A.

(4) Section 109A applies to a replacement plan as altered as it applies to a plan as originally prepared.

(5) A corporate joint committee shall be taken to have complied with subsection (3) if (but only if)—

- (a) it submits its replacement plan to the Welsh Ministers for their approval under section 109A before the end of the five year period mentioned in subsection (3), and
- (b) the Welsh Ministers approve the plan under section 109A (whether the approval is given before or after the end of that five year period).

(6) If a corporate joint committee fails to comply with subsection (3) because it fails to submit its replacement plan to the Welsh Ministers before the end of the five year period mentioned in that subsection, the corporate joint committee must replace its regional transport plan as soon as practicable after the expiry of the five year period.

(7) If a corporate joint committee fails to comply with subsection (3) because the Welsh Ministers refuse to approve a plan submitted to them under section 109A, it must replace its regional transport plan as soon as practicable after the refusal.

(8) As soon as practicable after its plan, or its plan as altered, has been approved under section 109A, a corporate joint committee must—

- (a) publish the plan or the plan as altered in such manner as it thinks fit, and
- (b) send a copy of it to such persons (if any) as may be specified in guidance under section 112(1).

(9) A corporate joint committee must also—

- (a) ensure that a copy of its regional transport plan is available for

inspection (at all reasonable hours) at such places it thinks fit,

- (b) give notice, by such means as it thinks expedient for bringing it to the attention of the public, as to the places at which a copy of it may be inspected, and
- (c) supply a copy of it (or any part of it) to any person on request, either free of charge or at a charge representing no more than the cost of providing the copy.”

5. Section 109C is to be treated as if it were omitted.

6. For section 112 there were substituted—

“112 Regional plan: supplementary

(1) In carrying out its functions under sections 108 to 109B, a corporate joint committee must have regard to any guidance issued by the Welsh Ministers concerning—

- (a) the content of regional transport plans,
- (b) the preparation of such plans,
- (c) the alteration and replacement of such plans, and
- (d) the publication and making available of such plans as originally made and as altered or replaced.

(2) Subsection (3) applies in relation to the development of policies under section 108(1) and the implementation under section 108(1A) of those policies.

(3) A corporate joint committee, or a local transport authority within the area of the corporate joint committee (as the case may be), must have regard to the transport needs of disabled persons (within the meaning of the Equality Act 2010) and of persons who are elderly or who have mobility problems.”

7. Section 113A is to be treated as if it were omitted.

8. For section 113B there were substituted—

“113B Directions concerning regional plan

(1) The Welsh Ministers may give general or specific directions to a corporate joint committee as to the manner in which it is to carry out its functions under sections 108 to 109B.

(2) The Welsh Ministers may give general or specific directions to a local transport authority whose area falls within the area of a corporate

joint committee as to the manner in which they are to carry out their functions under section 108.

(3) Directions given under subsection (1) may include in particular directions as to the timetable in accordance with which the regional transport plan or alterations to the plan must be prepared.

(4) Directions given under subsection (2) may include in particular directions as to—

- (a) the action required to be taken to implement the policies contained in the regional transport plan;
- (b) as to the steps required to be taken to remove the effects of action which is incompatible with those policies.

(5) Directions under this section—

- (a) must be in writing;
- (b) may be varied or revoked by further directions under this section.

(6) The Welsh Ministers must consult—

- (a) in relation to a direction under subsection (1), the corporate joint committee concerned,
- (b) in relation to a direction under subsection (2), the local transport authority concerned,

before giving, varying or revoking the direction.

(7) The Welsh Ministers may consult any other persons they consider appropriate in relation to giving, varying or revoking a direction under subsection (1) or (2).”