

Explanatory Memorandum to the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021

This Explanatory Memorandum has been prepared by the Local Government Department of the Welsh Government and is laid before Senedd Cymru in conjunction with the above Orders and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021.

Julie James MS
Minister for Housing and Local Government

23 February 2021

1. Description

The Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021 modify the Transport Act 2000 to provide for Corporate Joint Committees established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 which have been conferred the function of developing polices under s108 of the Transport Act 2000

Those provisions come into force on the 28 February 2022.

2. Matters of special interest to the Equality, Local Government and Communities Committee

No specific matters identified.

3. Legislative background

The powers enabling these Regulations to be made are contained in sections 83(2), 84 and 174 of the Local Government and Elections (Wales) Act 2021.

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;
- (c) a particular description of corporate joint committee.

Section 84 provides the Welsh Ministers with a power to make provision in connection with part 5 of the Local Government and Elections (Wales) Act 2021 which amend, modify, apply (with or without modifications) or disapply any enactment.

Section 174 requires that these Regulations will be subject to the affirmative resolution procedure in the Senedd.

Subject to approval by the Senedd, the Orders will be made by the Minister for Housing and Local Government and come into force on 1 April 2021.

4. Purpose and intended effect of the legislation

The Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021 (“the transport regulations”) modify the Transport Act 2000 in relation to Corporate Joint Committees established under Part 5 of the Local Government and Elections (Wales) Act 2021 where the functions of developing policies under section 108 of the Transport Act 2000 have been conferred on those Corporate Joint Committees.

Corporate Joint Committees are corporate bodies, established via regulation, and consist of those principal councils in Wales which are specified in the establishment regulations. In some circumstances National Park authorities in Wales are also

included in a Corporate Joint Committee, where this is the case this will also be set out in the relevant Corporate Joint Committee establishment regulations.

The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021 (“the Corporate Joint Committee Establishment Regulations”) establish 4 regional Corporate Joint Committees in Wales.

The Corporate Joint Committee Establishment Regulations provide that those Corporate Joint Committees must exercise the functions of developing policies under section 108 of the Transport Act 2000.

The transport regulations provide for the necessary modifications to the Transport Act 2000.

The transport regulations:

- Modify section 108 of the Transport Act 2000 so that a Corporate Joint Committee on whom the functions are conferred must develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within its area; and provides that each local transport authority that falls within the area of the Corporate Joint Committee must implement the policies developed by the Corporate Joint Committee
- Modify section 108 of the Transport Act 2000 so that a Corporate Joint Committee must also develop policies for the implementation by the local transport authorities in its area of the Wales Transport Strategy and that each local transport authority that falls within the area of the Corporate Joint Committee must implement these policies
- Modify section 108 of the Transport Act 2000 so that a Corporate Joint Committee must prepare a regional transport plan containing its policies
- Modify section 108 of the Transport Act 2000 to provide for the appropriate interpretation of Corporate Joint Committee and the area of a Corporate Joint Committee
- Modify section 109A of the Transport Act 2000 to provide for the approval of a regional transport plan prepared by a Corporate Joint Committee
- Modify section 109B of the Transport Act 2000 to provide for the review, replacement, publication and inspection of a regional transport plan prepared by a Corporate Joint Committee
- Modify section 112 of the Transport Act 2000 to provide that a Corporate Joint Committee must have due regard to guidance issued by Welsh Ministers concerning, the content, preparation, alteration, replacement and publication of its regional transport plan
- Modify section 113B of the Transport Act 2000 to provide that Ministers can give directions to a Corporate Joint Committee or local transport authority in which they are to carry out their functions under the relevant provisions with the transport regulations.

5. Consultation

A formal consultation on The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021 (“the Corporate Joint Committee Establishment Regulations”) ran from the 12 October 2020 to the 4 January 2021. The Corporate Joint Committee Establishment Regulations included provision to confer on those Corporate Joint Committees the function of developing policies under section 108(1)(a) and 2(A)(a) of Part 2 of the Transport Act 2000. The Corporate Joint Committee Establishment Regulations also included the modifications to the Transport Act 2000 included in the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021 to which this Explanatory Memorandum relates. No objections to the provisions as drafted were received.

It should be noted that the provisions within the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021 were initially included as schedules in each of the Corporate Joint Committee Establishment Regulations above. This approach was adopted for the consultation to ensure the clarity of intent for each of the Corporate Joint Committees being established. It is not appropriate or necessary for the Corporate Joint Committee Establishment Regulations to each provide for the necessary modifications to the Transport Act 2010.

6. Regulatory Impact Assessment (RIA)

A RIA has been prepared to accompany The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021. The RIA assessed the potential costs and benefits associated with establishing the Corporate Joint Committees through regulations. In assessing the potential costs and benefits the RIA specifically considered the costs and benefits associated with the exercise of the functions to which the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021 relate.

A copy of the RIA to accompany The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021 is available as part of the relevant documentation to accompany those regulations:

<https://senedd.wales/media/blab2mmp/sub-ld14134-em-e.pdf>.