



Llywodraeth Cymru  
Welsh Government

PUBLICATION

# Consultation on the Corporate Joint Committee (General) (Wales) Regulations 2022

We are seeking your views on draft regulations which will impact how corporate joint committees (CJCs) operate.

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# Contents

**Introduction**

---

**Chapter 1: overview of the draft Corporate Joint Committees (General) (Wales) Regulations 2022**

---

**Chapter 2: qualification and disqualification**

---

**Chapter 3: overview and scrutiny**

---

**Chapter 4: further subordinate legislation in relation to CJsCs**

---

**Welsh language**

---

**Impact Assessments**

---

**Consultation questions**

---

**How to respond**

---

**Your rights**

---

**UK General Data Protection Regulation (UK GDPR)**

---

**Annex A: summary of CJC Regulations**

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# Introduction

## Background

The Local Government and Elections (Wales) Act 2021 (“the LGE Act”) created the framework for a consistent mechanism for regional collaboration between local government, namely Corporate Joint Committees (CJCs). The Act provides for the establishment of CJCs through Regulations.

Regulations creating four CJCs in Wales (“the Establishment Regulations”) were made on 17 March 2021 and the following CJCs were established on 1 April 2021:

- [The North Wales Corporate Joint Committee Regulations 2021](#)
- [The Mid Wales Corporate Joint Committee Regulations 2021](#)
- [The South East Wales Corporate Joint Committee Regulations 2021](#)
- [The South West Wales Corporate Joint Committee Regulations 2021](#)

The four CJCs will exercise functions relating to strategic development planning and regional transport planning. They will also be able to do things to promote the economic well-being of their areas.

In contrast to other joint committee arrangements, CJCs are independent corporate bodies which can employ staff, hold assets and budgets, and undertake functions.

One of the key principles which underpins the development of the CJC legislative framework is that CJCs are members of the ‘local government family’ and, where appropriate, should largely be subject to the same powers and duties as principal councils. The intent is to avoid as far as possible requiring CJCs to do things in a manner unfamiliar to local government, or to create new or unfamiliar procedures, obligations or powers which might increase administrative burdens.

A comprehensive [consultation was undertaken on the draft Establishment Regulations](#) which established the four regional CJCs across Wales and the

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wider regulatory regime which would apply to those CJs.

A **summary of the responses to the consultation** was published in February 2021. There was overwhelming support, in particular from local authorities, for CJs to be subject to the same powers and duties as principal councils in the way that they operate; to have broadly the same governance and administrative framework; and to have appropriate discretion on the detail of constitutional and operational arrangements.

A **consultation on the draft Corporate Joint Committees (General) (No.2) (Wales) Regulations** (“the General No.2 Regulations”) was undertaken between July and September 2021. A **summary response to the consultation** was published in October 2021. Generally respondents felt the regulations reflected the underlying principle that CJs should be treated as a member of the local government family. The General No.2 Regulations were laid in the Senedd on the 9 November and will be debated on the 30 November 2021. Subject to the approval of the Senedd the General No.2 Regulations will come into force on the 3<sup>rd</sup> of December.

The approach to the development of the CJC model continues to be one of co-development and collaboration with local government. The intention is to continue with this approach in the implementation of the CJC regulations.

## General approach to the regulations

The Establishment Regulations were part of the first stage of putting in place the legislative framework which CJs would operate within. The Establishment Regulations were made alongside a number of statutory instruments, which ensured that from day one CJs would be subject to the duties which would be expected to apply to public bodies in Wales; and also to ensure appropriate governance and oversight (listed in Annex A for ease of reference).

The General No.2 Regulations were part of the second stage of putting in place the legislative framework for CJs and provided for aspects of the operational arrangements for CJs. They provided for the roles of certain ‘executive officers’ to support the work of the CJC as well as some general provisions in relation to

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CJC staff, for the functions of the CJC to be discharged by other people, for example its staff or sub-committees, and for meetings and proceedings. They also made a small number of miscellaneous and consequential amendments to give full effect to the provisions. The General No.2 Regulations were made alongside a number of statutory instruments which complete the application of those public body duties you would expect to apply to a public body in Wales.

This next (and third) stage, and the subject of this consultation, will continue the process of putting in place the legislative framework CJsCs will operate within. They require a CJC to adopt a code of conduct for members and extend the powers of the Public Services Ombudsman for Wales (PSOW) and the adjudication panel for Wales to CJsCs and members of CJsCs. They also provide for a CJC to trade and undertake commercial activity. They also require the CJC to publish their constitution and a constitution guide, as well as containing a number of minor provisions in relation to finance, legal proceedings, records, documents, staffing and workforce matters and other miscellaneous amendments. The intention is also to include provision for overview and scrutiny in this third set of general regulations, subject to the outcome of this consultation.

A fourth stage (and set of regulations) will then put in place remaining provision, including provision on standing orders and applying the local government performance and governance regime to them. This will complement the requirements already in place around transparency of their work and public accessibility and participation. We will consult on this stage in Spring 2022.

## **This consultation**

This consultation builds on the comprehensive consultation undertaken in October 2020 which considered the general approach to the development of the legislative framework for CJsCs and the consultation on the draft General No.2 Regulations in July 2021.

This consultation is seeking your views on this next stage of the approach to the development of the wider legislative framework and application of specific elements of that framework.

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In Chapter 1 we are seeking comments on the draft Corporate Joint Committees (General) (Wales) Regulations 2022.

These instruments provide for

- conduct of members of a CJC
- arrangements in the event that a member of the Mid Wales, North Wales, South East or South West Wales is suspended
- the power to trade and undertake commercial activity
- further financial matters in relation to CJC
- legal proceedings
- matters relating to records, documents and notices
- further provision on staffing and workforce
- a small number of miscellaneous provisions including a duty to prepare a constitution and provision in relation to handling of information and land held by a CJC

Chapter 2 seeks views on issues in relation to the qualification and disqualification of members and officer of CJC.

Chapter 3 seeks views on the intended approach to overview and scrutiny of CJC, for inclusion in the Corporate Joint Committees (General) (Wales) Regulations 2022.

Chapter 4 seeks views on proposed amendments to a number of regulations or orders linked to the application of the code of conduct through the draft Corporate Joint Committees (General) (Wales) Regulations 2022 and in relation to amendments made to the Local Government and Housing Act 1989 by the General No.2 Regulations.

Further detail on the draft Corporate Joint Committees (General) (Wales) Regulations 2022 is outlined below.

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# Chapter 1: overview of the draft Corporate Joint Committees (General) (Wales) Regulations 2022

## General

As discussed in previous consultations the legislative framework which regulates the administration and governance of local authorities can be complex and is made up of various provisions across a significant number of instruments. The intention, wherever possible, is to consolidate provision about individual topics in the same set of regulations, limiting the number of sets of general regulations required for CJsCs. The Establishment Regulations were accompanied by the Corporate Joint Committees (General) (Wales) Regulations 2021 containing the first set of provisions that apply to CJsCs generally. The General No.2 Regulations provided for the second set of provisions that apply to CJsCs generally. The draft Corporate Joint Committee (General) (Wales) Regulations 2022 provide for the third set.

It is worth noting that in some cases other ancillary or independent regulations and orders may be required to be laid alongside the more general regulations above to fully provide the legislative underpinning required for CJsCs, but these will be kept to a minimum. In some cases where these have already been identified within the relevant parts below, this consultation seeks views on the application of those regulations or orders, for example in Chapter 4.

There are nine parts to the draft Corporate Joint Committees (General) (Wales) Regulations 2022.

Part 1: introduction

Part 2: conduct

Part 3: arrangements in the event of suspension of a member of the CJC

Part 4: commercial activities and controlled entities

Part 5: further financial matters in relation to CJsCs

Part 6: legal proceedings

Part 7: records, documents and notices etc.

Part 8: staffing and workforce matters

Part 9: miscellaneous provision

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## Part 2: conduct

Part 2 provides for the application of a code of conduct to members of a CJC through the application of Part 3 of the Local Government Act 2000 (“the 2000 Act”).

Part 3 of the 2000 Act provides for an ethical framework for local government. The framework is applied to ‘relevant authorities’ and includes the introduction of statutory codes of conduct, with a requirement for every relevant authority to adopt a code covering the behaviour of members and of officers, and the creation of a standards committee for each relevant authority. As ‘relevant authorities’ CJs will also be subject to a number of provisions in Part 5 of the 2000 Act including providing for payments in cases of maladministration and for the indemnification of members and officers of relevant authorities.

Although it is not reflected in the draft, the intention is to that the Regulations will also apply s39 of the Local Government (Miscellaneous Provisions) Act 1976 (and therefore s265 of the Public Health Act 1875) to CJs. These provisions give protection from personal liability to individual members and officers of local authorities acting under the direction of the authority if the act done by the person (or the contract entered into by the person) was genuinely done for the purposes of discharging statutory functions.

Part 2 also provides for proceedings where a member of a CJC acted or claims to be entitled to act as a member of a CJC while disqualified from being a member of a CJC.

The amendments made to Part 3 of the 2000 Act by the Corporate Joint Committee (General) (Wales) Regulations 2022 would have the effect that CJs will be required by section 53 of the 2000 Act to establish a standards committee.

The consultation draft of the Corporate Joint Committee (General) (Wales) Regulations 2022 does not currently extend the option of creating a joint standards committee to CJs as CJs already bring together a number of county and county borough councils and National Park authorities from which a

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CJC's standards committee will be able to draw its members.

However, we would welcome views on whether there would be benefits in giving CJCs the power to establish a joint standards committee with another relevant authority and, if so, with which type or types of relevant authority they should be empowered to establish a joint standards committee.

### **Part 3: arrangements in the event of suspension of a member of the CJC**

Part 3 provides for the necessary arrangements in the event that a CJC member (council member or NPA member) is suspended or partially suspended from acting as a member on the CJC, specifically the appointment of a temporary member to be appointed in the event of suspension. As the membership of each CJC is provided for in the individual Establishment Regulations for each CJC, Part 3 amends each of the Establishment Regulations.

The effect of the amendments made to the Establishment Regulations by Part 3 is that a temporary member appointed by either a council or NPA is to be treated as though they were the council (or NPA) member in so far as the suspended member is unable to act as such.

Regulation 7(2) of the CJC Establishment Regulations also provides that where a council member is, for any period, unable to discharge their functions (e.g. sickness or caring absence), the constituent council of which they are a member must appoint another member of its executive to discharge those functions on behalf of the council member for that period.

The Welsh Government believe that any person who is acting on behalf of a council member should be subject to the same code of conduct as the member and receive the same benefits or safeguards as if they were a member. However, at present, there is no provision about how the 'other member' in Regulation 7(2) is to be treated. The intention therefore is to use the Corporate Joint Committee (General) (Wales) Regulations 2022 to amend the Establishment Regulations to ensure that the 'other member' is treated the same as the council member whose functions they have been appointed to exercise.

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## Part 4: commercial activities and controlled entities

Part 4 provides for the power to trade and undertake commercial activity by a CJC and a number of related provision in relation to controlled entities of a CJC.

Section 95 of the Local Government Act 2003 (“the 2003 Act”) enables the Welsh Ministers to make an order authorising certain authorities to trade in any of their ordinary functions through a company. Section 96(1) of the 2003 Act allows the Welsh Ministers to impose conditions on the exercise of this trading power, whilst section 96(2) requires these authorities in Wales to have regard to guidance issued by the Welsh Ministers when exercising the power to trade. Part 4 amends s95 of the 2003 Act to included CJsCs in the definition of relevant authority.

The Welsh Ministers exercised their powers in sections 95, 96(1) and 123 of the 2003 Act to make the Local Government (Best Value Authorities) (Power to Trade) (Wales) Order 2006 (“the trading order”).

The Welsh Government **recently consulted** on proposals in respect of the conditions which local authorities in Wales have to meet to do things for a commercial purpose using the General Power of Competence (GPoC), which was made available to qualifying local authorities by the 2022 Act. As part of the consultation the Welsh Government also indicated their intention to re-make the trading order in order to reflect the changes to the definitions of ‘relevant authorities’ in section 95 of the 2003 Act and that the order be the same or similar to that consulted on for the **General Power of Competence (Commercial Purpose) (Conditions) (Wales) Regulations 2021**.

The **summary response** to the consultation showed that respondents broadly agreed that the same conditions should apply to principal councils both when trading in their ordinary functions and exercising the general power of competence for a commercial purpose. Following the above consultation it is intended therefore to re-make the trading order to (amongst other things) reflect the changes to the definition of ‘relevant authorities’ in section 95 of the 2003 Act and in a way which reflects the General Power of Competence (Commercial Purpose) (Conditions) (Wales) Regulations 2021.

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In order to give full effect to the power to trade for CJs it is also intended to include CJs in the remade trading order. We would welcome views on this.

In considering the power to trade provisions above it may also be helpful to consider other statutory provisions relating to local authorities' powers to enter into contracts generally. For example the Local Government (Contracts) Act 1997 ("the 1997 Act") (and the Local Authorities (Contracts) Regulations 1997 made under the Act) appears to still be extant in relation to local authorities in Wales. We would welcome views on whether the provisions of the 1997 Act ought to be, or need to be, applied to CJs. Given that CJs are bodies corporate with distinct legal personality and given their subsidiary powers under Regulation 14 of the Establishment Regulations, we think there is little doubt that a CJ may enter into a contract in the exercise of its functions. But much the same could be said for local authorities in Wales and yet the 1997 Act applies to them.

In a similar vein we would welcome views on if CJs should be brought within the scope of Part 2 of the Deregulation and Contracting Out Act 1994 ("the 1994 Act"). If CJs are to be capable of trading commercially as is provided for in Part 4 of the Corporate Joint Committee (General) (Wales) Regulations 2022 it follows that they may seek to have private entities carry out certain functions on their behalf (as this may be seen as better value or may increase the CJ's commercial competitiveness in discharging the function in question).

For local authorities that would commonly be done under Part 2 of the 1994 Act by means of an Order made under section 70 specifying certain functions as ones which may be carried out by employees of "such person as may be authorised in that behalf by the local authority whose function it is". Part 2 does apply to local authorities in Wales and there are a number of Orders under section 70 currently in force which apply to Welsh local authorities.

We would welcome views on if Part 2 of the Deregulation and Contracting Out Act 1994 should apply to CJs.

In considering the power to trade for commercial purposes, and in discussion with the regions, a number of issues in relation to arrangements for the VAT status of CJs and tax status more generally. Addressing these issues is not

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something that regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 can address and must be explored with the UK Government. These matters are currently being taken forward by the Welsh Government.

## **Part 5: further financial matters in relation to CJs**

Part 5 provides for a number of further and miscellaneous financial matters in relation to CJs. This includes a requirement for CJs to maintain a general fund (inserted into each Establishment Regulation), provision in relation to the public supply or works contracts without reference to matters which are non-commercial (Part II of the Local Government Act 1988) payments by Welsh Ministers towards indebtedness (section 39(7) of the Local Government Act 2003), insurance against accidents (s140C of the Local Government Act 1972) and subscriptions to local government associations (section 143 of the 1972 Act).

## **Part 6: legal proceedings**

Part 6 makes a small number of provision in relation to legal proceedings and the application of section 222 and 223 of the Local Government Act 1972 to CJs. Section 222 of the Local Government Act 1972 provides a power to local authorities to prosecute or defend legal proceedings and in the case of civil proceedings to institute them in their own name. Section 223 provides that any member or officer of a local authority who is authorised by that local authority to prosecute, defend or to appear in proceedings can do so.

## **Part 7: records, documents and notices etc.**

Part 7 makes a number of provisions for the proper care, preservation and management of CJC records, the depositing of documents with the proper officer, the inspection and copying of documents and for the authentication of documents. Part 7 also makes provision in relation to notices for CJs.

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## **Part 8: staffing and workforce matters**

Part 8 makes further provision on staffing and workforce matters. This includes requiring staff to be appointed on merit, rights of staff to certain leave and allowances and ensuring that staff of a CJC are subject to the same requirements around transparency and accountability as employees of local authorities or any other public appointments. It also brings CJCs within the scope of the local authorities (Indemnities for Members and Officers) (Wales) Order 2006.

## **Part 9: miscellaneous provision**

Part 9 makes a number of miscellaneous provision applying local government provision to CJCs. This includes requiring a CJC to prepare and publish a constitution, provision in relation to the safeguarding or publication of information and for CJCs to conduct or assist in investigations into any matter in the area of the authority.

## **Chapter 2: qualification and disqualification**

Membership of CJCs is provided for through the Establishment Regulations, members are not directly elected to the CJC itself. As such much of the provisions around qualification and disqualification do not or will not be relevant to them.

For example sections 79 to 82 of the Local Government Act 1972 provide for qualifications and disqualifications for election and holding office as a member of a local authority. Due to the way that members are appointed to a CJC substantial parts of these provisions will not be relevant to membership of a CJC.

However section 80(1)(a) of the Local Government Act 1972 sets out the paid offices or employment which disqualifies an individual from being elected or

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being a member of a local authority. It is intended to make provision in the Corporate Joint Committees (General) (Wales) Regulations 2022 including CJs in the list of relevant authorities in s80(1)(a) of the Local Government Act 1972 and therefore for someone who holds a listed paid office in a CJC to be disqualified from being a member of a local authority.

Similarly section 20 of the Local Government and Elections (Wales) Act 2021 inserts a new s80B 'Disqualification for being a member of a local authority in Wales and holding local office or employment' into the Local Government Act 1972. This provides for the disqualification of a person who holds a relevant paid office or employment (see section 80C) from being a member of a local authority in Wales, (but not from being elected as such a member). It is the Welsh Governments view that such a disqualification should also apply to persons who hold a relevant paid officer of a CJC and that this amendment be made in the Corporate Joint Committees (General) (Wales) Regulations 2022.

Finally s82 of the Local Government Act 1972 provides for the validity of acts done by unqualified persons. That is that acts done by a person who is elected to a local authority but is later found out to be disqualified or not qualified for office or perhaps is disqualified as a result of fraud or conviction of a criminal act remain valid. Whilst individuals are not elected to the CJC we would want to ensure that anything the council member did on the CJC whilst in the council member role also remained valid, as it would for a local authority, in the event that they were later found to be disqualified or not qualified for office. The intention would be to provide for this in the Corporate Joint Committee (General) (Wales) Regulations 2022.

## Chapter 3: overview and scrutiny

As is discussed in the [consultation](#) on the [draft Statutory Guidance on the Establishment of CJs](#) it is important that political decision-making within CJs is transparent and CJs are able to be held to account and are able to be challenged for the decisions that they take. Having appropriate scrutiny arrangements in place will be important to achieve this. The intention is that such scrutiny arrangements should be able to be put in place when CJs start to

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exercise their functions.

Some of the feedback received to date has reflected concerns as to the appropriateness of a CJC itself establishing a sub-committee (be that of its own members or selecting or co-opting membership from within its constituent councils) to scrutinise its work. It was also felt that there may be some duplication as the work of CJs would be subject to scrutiny by its constituent principal councils.

Since scrutiny is crucial to the democratic accountability of a CJC we are examining whether a more proportionate solution would be to require a CJC to make arrangements for one or more of the constituent councils to scrutinise the work of the CJC. The intention is to make this provision in the Corporate Joint Committees (General) (Wales) Regulations 2022.

This approach would require a CJC to consult with its constituent councils, and put in place appropriate overview and scrutiny arrangements. This might be scrutiny by each individual council or by a joint overview and scrutiny committee made up of the constituent councils if this was agreed to be the most effective and efficient approach.

In either case the aim would be to create, facilitate and encourage a clear democratic link back to the constituent councils. We would welcome views or comments on how this might be achieved.

It is also proposed that each of the CJs has a duty to provide information to the scrutiny committee; attend committee meetings if requested to do so; and consider or respond to any report or recommendations made by a committee within the agreed arrangements and which relate to the CJC. This might be similar to s21B of the Local Government Act 2000. Again we would welcome views on this.

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# Chapter 4: further subordinate legislation in relation to CJs

## Subordinate legislation under the Local Government Act 2000 ("the 2000 Act")

To give full effect to the application of Part 3 of the 2000 Act (conduct) through the Corporate Joint Committee (General) (Wales) Regulations 2022 a number of orders and regulations which have been made under powers in Part 3 of the 2000 Act will need to be amended in order to cover CJs. These include the:

- Conduct of Members (Principles)(Wales) Order 2001
- Local Authorities (Model Code of Conduct)(Wales) Order 2008
- Standards Committees (Wales) Regulations 2001
- Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001
- Standards Committees (Grant of Dispensations) (Wales) Regulations 2001
- Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001

We will be giving careful consideration to the appropriate chronological order in which the amendments of Part 3 of the 2000 Act and the amendments of the above orders are to come into force.

### Conduct of Members (Principles)(Wales) Order 2001

This order (made under section 49 of the 2000 Act) specifies the principles which are to govern the conduct of members and co-opted members of relevant authorities (defined in Article 2 of the order) in Wales. The intention would be to amend the order so as to include CJs in the definition of a relevant authority. The principles would apply to members of CJs and their sub-committees, including co-opted members of both.

Local Authorities (Model Code of Conduct)(Wales) Order 2008

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Section 50(2) of the 2000 Act allows the Welsh Ministers to issue (via an order) a model code as regards the conduct which is expected of members and co-opted members of relevant authorities in Wales. The intention would be to amend the order so that the model code of conduct within the order applies to members of CJs and their sub-committees, including co-opted members of both.

## **Standards Committees (Wales) Regulations 2001**

These regulations (made under section 53 of the Local Government Act 2000) make provision as to (among other things) the size, composition and proceedings of standards committees of relevant authorities in Wales.

The intention would be to amend the Standards Committees (Wales) Regulations 2001 themselves however it may be necessary to provide a separate set of regulations for CJs

## **Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001**

These Regulations (made under section 73 of the 2000 Act) provide for a relevant authority to deal with a referral from or a report on the outcome of an investigation by the Public Services Ombudsman for Wales (PSOW). It provides for a monitoring officer of a relevant authority to investigate and make recommendations on matters relating an investigation by the PSOW, and for a standards committees of a relevant authority to make determinations on matters relating to the code of conduct and any appropriate actions. The regulations also provide for a right to appeal a decision of a standards committee and for the publication of a report upon the outcome of an investigation.

The intention would be to amend the Regulations so as to include CJs in the definition of a relevant authority.

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## **Standards Committees (Grant of Dispensations) (Wales) Regulations 2001**

Applying Part 3 of the 2000 Act to CJs will require CJs to adopt a code of conduct for members and co-opted members which must incorporate any mandatory provisions of a model code of conduct issued by the Welsh Ministers under section 50(2) of the 2000 Act.

Section 81(1) and (2) of the 2000 Act, as a result of amendments made by the Corporate Joint Committee (General) (Wales) Regulations 2022, will require that the monitoring officer of a CJC must establish and maintain a register of interests of the members of the CJC and its sub-committees, including co-opted members of both. In addition the mandatory provisions of the model code applicable to the CJC will require those members and co-opted members to register in the CJs register such financial and other interests as are specified in the mandatory provisions.

Section 81(4) of the 2000 Act provides that any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's code of conduct if the member or co-opted member has acted in accordance with a dispensation from the prohibition granted by the authority's standards committee in accordance with regulations made under subsection (5).

These regulations prescribe the circumstances in which standards committees of relevant authorities may grant such dispensations. The intention is to apply the dispensations within these Regulations to CJs.

## **Regulations under the Local Government and Housing Act 1989**

Subject to the approval of the Senedd, Part 2 of the General No.2 Regulations amends the Local Government and Housing Act 1989 to apply provisions dealing with the disqualification and political restriction of certain officers to

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CJCs.

## Political Restrictions

Section 1(5)-(8) of the Local Government and Housing Act 1989 (“the 1989 Act”) will be applied to CJCs (subject to Senedd approval) by regulation 10 of the General No.2 Regulations. This includes a power for the Welsh Ministers to specify terms and conditions of employment giving effect to the political restrictions provisions within the section. This power has been exercised in the form of the Local Government Officers (Political Restrictions) Regulations 1990 (“the 1990 Regulations”).

It is proposed that the same conditions which apply to politically restricted posts in local authorities should apply to those posts within CJCs. On this basis the intention is to amend the 1990 Regulations to include reference to CJCs to ensure that the 1990 Regulations apply to every person holding a politically restricted post in a CJC as it does to a local authority. We would welcome views on this.

## Welsh language

The [Consultation on the CJC Establishment Regulations](#) sought views on the effects that the establishment of CJCs would have on the Welsh language and opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. In considering the establishment of CJCs the consultation also included consideration of the wider regulatory framework under the principle that CJCs should be treated as part of the ‘local government family’.

Read the [summary of the responses to the consultation](#).

The CJCs will be subject to the Welsh Language Standards in the same way as its constituent councils and other public service organisations in Wales. The Corporate Joint Committees (Amendment of Schedule 6 to the Welsh Language (Wales) Measure 2011) Regulations 2021 amended the Welsh Language

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(Wales) Measure 2011, adding CJs to the list bodies and categories of bodies that are subject to have to comply with the standards. The consultation on the draft Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 noted the intention to bring forward later this year amending regulations to add CJs to the Welsh Language Standards (No. 1) Regulations 2015 ensuring those standards apply to CJs as they do to local authorities. The Welsh Language Standards (No.1) Regulations 2015 (Amendment) Regulations 2021 were laid in the Senedd on the 9<sup>th</sup> of November and will be debated on the 30<sup>th</sup> November. Subject to Senedd approval the regulations will come into force on the 3<sup>rd</sup> December 2021.

The draft Corporate Joint Committees (General) (Wales) Regulations 2022 seeks to apply specific elements of the legislative framework that has already been consulted on in broad terms and as such is a largely technical document. As a stand-alone instrument the draft Corporate Joint Committees (General) (Wales) Regulations 2022 is unlikely to have a significant impact on the use of Welsh language and the responses to the previous consultation on establishing CJs are likely to apply to these regulations also.

However if you have any views on the specific effects the draft Corporate Joint Committees (General) (Wales) Regulations 2022 might have on the Welsh Language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English, we would welcome your views.

## Impact Assessments

### Regulatory Impact Assessment

As with the previous consultation on the draft Corporate Joint Committee (General) (No.2) (Wales) Regulations 2021, a separate Regulatory Impact Assessment (RIA) has not been prepared in respect of this consultation and the draft Corporate Joint Committees (General) (Wales) Regulations 2022.

The regulatory impact assessment to accompany the Mid Wales Corporate Joint

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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 assessed the potential costs and benefits associated with establishing the Corporate Joint Committees through regulations.

In assessing the potential costs and benefits the RIA considered the overarching policy intent that CJsCs should be treated as part of the 'local government family' including the application of the wider legislative framework. The costs associated with the application to CJsCs of the aspects of the regulatory framework contained within the draft Corporate Joint Committees (General) (Wales) Regulations 2022 was considered therefore as part of the regulatory impact assessment on the CJC Establishment Regulations themselves.

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 on the [Senedd Website](#) as part of the relevant documentation to accompany those Regulations.

## Integrated Impact Assessment

An Integrated Impact Assessment Summary was also undertaken as part of the development of the establishment regulations. The Integrated Impact Assessment assessed the most significant impacts, positive and negative of establishing CJsCs via regulations. As with the RIA the Integrated Impact Assessment considered the overarching policy intent that CJsCs should be treated as part of the 'local government family', including the impact of applying the wider local government legislative framework, in assessing the impacts of establishing CJC.

A [summary of the conclusions of this assessment](#) was published as part of the consultation on the CJC Establishment regulations.

Both the RIA and Integrated Impact Assessment were subject to a

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comprehensive consultation as part of the consultation on the CJC Establishment Regulations. It is not intended to consult again on these documents.

## Consultation questions

As already discussed this consultation builds on the comprehensive consultation previously undertaken on the general approach to the development of the legislative framework for CJs and on the consultation on the draft Corporate Joint Committee (General) (No.2) (Wales) Regulations 2021. This consultation is seeking your views on the next stage of the approach to the development of the wider legislative framework and application of specific elements of that framework. In particular we are seeking views on the draft Corporate Joint Committees (General)(Wales) Regulations 2022.

### Chapter 1

#### Question 1

Are the draft regulations in Chapter 1 clear? If no, please provide details of how they can be made clearer.

#### Question 2

Does Part 2 of the draft regulations clearly provide for a code of conduct for members? If no, please provide details of how they can be made clearer?

#### Question 3

Do you believe that the regulations should provide for the establishment of joint standards committees? If yes, please explain why.

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## Question 4

Does Part 3 of the draft regulations clearly provide for arrangements in the event of suspension of a member of a CJC? If no, please provide details of how they can be made clearer.

## Question 5

Should the draft regulations also provide for all substitute or temporary council, NPA members to be treated the same as the council member whose functions they have been appointed to exercise? If no, please explain why not

## Question 6

Does Part 4 of the draft regulations clearly provide for commercial activities and controlled entities? If no, please provide details of how they can be made clearer.

## Question 7

Do you agree that in order to give full effect to the power to trade provisions in Part 4 CJsCs should be included in the proposed trading order to be made under section 95 of the Local Government Act 2003? If no, please explain why not.

## Question 8

Do you think the following should apply to CJsCs alongside providing the power to trade:

- The Local Government (Contracts) Act 1997
- Part 2 of the Deregulation and Contracting Out Act 1994.

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## Question 9

Is there any other legislation which local authorities rely on when operating commercially which isn't currently provided for in regulations?

## Question 10

Does Part 5 of the draft regulations clearly provide for those further miscellaneous financial matters noted in relation to CJsCs? If no, please provide details on how they can be made clearer.

## Question 11

Does Part 6 of the draft regulations clearly provide for legal proceedings in relation to CJsCs? If no, please provide details on how they can be made clearer.

## Question 12

Does Part 7 of the draft regulations clearly provide for the handling of records, documents and notices etc? If no, please provide details on how they can be made clearer.

## Question 13

Does Part 8 of the draft regulations clearly provide for the further matters relating to staffing and workforce? If no, please provide details on how they can be made clearer.

## Question 14

Does Part 9 of the draft regulations clearly provide for the small number of

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miscellaneous and consequential amendments identified? If no, please provide details on how they can be made clearer.

## Chapter 2

### Question 15

Should the draft regulations clearly provide for the qualification and disqualification of members and staff of a CJC for office? If no, please explain why not.

## Chapter 3

### Question 16

Do you agree with the proposed approach to providing for overview and scrutiny of CJs as part of the Corporate Joint Committees (General) (Wales) Regulations 2022? If no, please provide details on how.

## Chapter 4

### Question 17

Do you agree with the intended approach to give full effect to the application of the code of conduct to CJs through the application of the following Regulations or Orders to CJs?

- Conduct of Members (Principles)(Wales) Order 2001
- Local Authorities (Model code of Conduct)(Wales) Order 2008
- Standards Committees (Wales) Regulations 2001

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- Local Government Investigation (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001
- Standards Committees (Grant of Dispensations) (Wales) Regulations 2001
- Code of Conduct (Qualifying local government employees) (Wales) Order 2001

If no, please provide details.

## Question 18

Do you have any views on the application of the Local Government Officers (Political Restrictions) Regulations 1990 to CJsCs?

## Welsh Language

### Question 19

Do you have any views on the specific effects the draft Corporate Joint Committees (General) (Wales) Regulations 2022 might have on the Welsh Language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English, we would welcome your views.

### Question 20

If you have any related issues which we have not specifically addressed, please feel free to provide those also.

## How to respond

The consultation period begins on 10 November 2021 and ends on 22

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December 2021. Please ensure that your response reaches us before the required closing date.

You may submit your comments in any of the following ways:

- complete our [online form](#)
- download, complete our [response form](#) and email : [LGPartnerships@gov.wales](mailto:LGPartnerships@gov.wales)
- download, complete our [response form](#) and post to:

Local Government Transformation and Partnerships Division  
Local Government Directorate  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

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- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please [tell us](#).

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see the following contact details:

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## Data Protection Officer

Data Protection Officer  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

E-mail: [data.protectionofficer@gov.wales](mailto:data.protectionofficer@gov.wales)

## Information Commissioner's Office

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113

Website: [ico.org.uk](http://ico.org.uk)

## UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation

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responses then this work may be commissioned to be carried out by an accredited third party (for example a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation. If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Further information and related documents

**Number: WG 43817**

This document is also available in Welsh. You can view this document in [alternative languages](#). If you need it in a different format, please [contact us](#).

## **Annex A: summary of CJC Regulations**

### **Establishment Regulations: Phase 1**

Regulations creating four CJCs in Wales ("the Establishment Regulations") were made on 17 March 2021 and the following CJCs were established on 1 April 2021:

- [The North Wales Corporate Joint Committee Regulations 2021](#)

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- [The Mid Wales Corporate Joint Committee Regulations 2021](#)
- [The South East Wales Corporate Joint Committee Regulations 2021](#)
- [The South West Wales Corporate Joint Committee Regulations 2021](#)

## **Instruments laid alongside the CJC Establishment Regulations**

The following regulations and orders were made alongside the Establishment Regulations in March 2021.

### **Corporate Joint Committees (General) (Wales) Regulations 2021**

The [Corporate Joint Committees \(General\) \(Wales\) Regulations 2021](#) seek to ensure, as part of the wider application of the local government ethical framework, that members, co-opted participants and employees of CJsCs are subject to appropriate standards of conduct. The general regulations also ensure that CJsCs are subject to an appropriate accounting, audit and financial management regime. The Corporate Joint Committees (General) (Wales) Regulations 2021 also make a small number of minor amendments to; support the necessary arrangements for the provision of services between CJsCs and local authorities; to ensure equality of treatment of members of a CJC by the CJC; and, provide for the CJC to hold and dispose of assets.

### **Corporate Joint Committees (Amendment of Schedule 6 to the Welsh Language (Wales) Measure 2011) Regulations 2021**

The [Corporate Joint Committees \(Amendment of Schedule 6 to the Welsh Language \(Wales\) Measure 2011\) Regulations 2021](#) (“amendment regulations”) amend the Welsh Language (Wales) Measure 2011. The amendment regulations provide that CJsCs established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 are liable

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to comply with the Welsh Language Standards within the Welsh Language (Wales) Measure 2011.

## **The Equality Act 2010 (Public Authorities subject to the Public Sector Equality Duty) (Wales) Order 2021**

**The Equality Act 2010 (Public Authorities subject to the Public Sector Equality Duty) (Wales) Order 2021** (“amendment Order”) amends Part 2 of Schedule 19 to the Equality Act 2010. The amendment Order provides that CJs established under Part 5 of the Local Government and Elections (Wales) Act 2021 are subject to the Public Sector Equality duty (Section 149) of the Equality Act 2010.

## **The Public Services Ombudsman (Wales) Act 2019 (Amendment of Schedule 3) Regulations 2021**

**The Public Services Ombudsman (Wales) Act 2019 (Amendment of Schedule 3) Regulations 2021** (“amendment regulations”) amend Schedule 3 of the Public Services Ombudsman (Wales) Act 2019. The amendment regulations provide that CJs established under Part 5 of the Local Government and Elections (Wales) Act 2021 are subject to the provisions of the Public Services Ombudsman (Wales) Act 2019 where relevant

## **The Public Audit (Wales) Act 2004 (Amendment) (Local Government Bodies in Wales) Order 2021**

**The Public Audit (Wales) Act 2004 (Amendment) (Local Government Bodies in Wales) Order 2021** (“amendment Order”) amends the list of local government bodies in Wales in section 12(1) of the Public Audit (Wales) Act 2004.

The Public Audit (Wales) Act 2004 makes provision about the audit of accounts of public bodies in Wales and related matters. Part 2 relates to local

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government bodies in Wales.

The amendment Order provides that CJs established under Part 5 of the Local Government and Elections (Wales) Act 2021 are subject to the provisions of part 2 of the Public Audit (Wales) Act 2004. The amendment order also makes minor and consequential and supplementary provision.

## **The Accounts and Audit (Wales) (Amendment) Regulations 2021**

### **The Accounts and Audit (Wales) (Amendment) Regulations 2021**

(“amendment regulations”) amend the Accounts and Audit (Wales) Regulations 2014 (“2014 regulations”) made under section 39 of the Public Audit (Wales) Act 2004. (This was made on the 18<sup>th</sup> March 2021, subject to the negative procedure) The amendment regulations provide that CJs established under Part 5 of the Local Government and Elections (Wales) Act 2021 are subject to the provisions of the 2014 regulations where relevant.

### **The Corporate Joint Committees (Transport Functions) (Wales)**

**Regulations 2021** were also made alongside the CJC Establishment Regulations and provided for the relevant modifications to the Transport Act 2000 required for CJs to exercise the transport planning function.

## **The Corporate Joint Committee (General) (No.2) (Wales) Regulations 2021: Phase 2**

The **Corporate Joint Committee (General) (No.2) (Wales) Regulations 2021** were laid in the Senedd on the 9 November and will be debated on the 30 November 2021. They provided for the roles of certain ‘executive officers’ to support the work of the CJC as well as some general provisions in relation to CJC staff, for the functions of the CJC to be discharged by other people, for example its staff or sub-committees, and for meetings and proceedings. They also made a small number of miscellaneous and consequential amendments to give full effect to the provisions.

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## **Instruments laid alongside the Corporate Joint Committee (General) (No.2) (Wales) Regulations 2021**

The following regulations were laid alongside the Corporate Joint Committee (General) (No.2) (Wales) Regulations 2021 in November 2021. These will also be debated on the 30 November.

## **The Welsh Language Standards (No.1) Regulations 2015 (Amendment) Regulations 2021**

The **Welsh Language Standards (No.1) Regulations 2015 (Amendment) Regulations 2021** amend the Welsh Language Standards (No.1) Regulations 2015 (“the No.1 Regulations”). The Regulations bring Corporate Joint Committees established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 within the scope of the standards specified by the No.1 Regulations and enable the Welsh Language Commissioner to make a compliance notice in respect of that body. The effect of this is that Corporate Joint Committees will be bodies which are liable to comply with the No.1 Regulations, and that the specified service delivery standards, policy making standards, operational standards, promotion standards and record keeping standards are potentially applicable to them.

## **The Corporate Joint Committees (Amendment of the Well-being of Future Generations (Wales) Act 2015) Regulations 2021**

The **Corporate Joint Committees (Amendment of the Well-being of Future Generations (Wales) Act 2015) Regulations 2021** amend the Well-being of Future Generations (Wales) Act 2015. The Regulations amend the meaning of a public body in section 6, by adding a Corporate Joint Committee to the list. The effect of this is that Corporate Joint Committees, established under Part 5 of the Local Government and Elections (Wales) Act 2021, are body’s which are liable to comply with Part 2 and 3 of the Well-being of Future Generations (Wales) Act

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2015.

## **The Equality Act 2010 (Authorities subject to a duty regarding Socio-economic Inequalities) (No. 2) (Wales) Regulations 2021**

The [Equality Act 2010 \(Authorities subject to a duty regarding Socio-economic Inequalities\) \(No. 2\) \(Wales\) Regulations 2021](#) amend section 1 of Equality Act 2010 in order to add Corporate Joint Committees, established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, to the list of relevant authorities subject to the Socio Economic Duty.

## **The Environment (Wales) Act 2016 (Public Authorities subject to the Biodiversity and Resilience of Ecosystems Duty) Regulations 2021**

The [Environment \(Wales\) Act 2016 \(Public Authorities subject to the Biodiversity and Resilience of Ecosystems Duty\) Regulations 2021](#) amend section 6 the 2016 Act to include Corporate Joint Committees within the definition of 'public authority' in section 6(9) which are subject to the biodiversity duty. As a result of these Regulations, Corporate Joint Committees will be required to consider the Nature Recovery Action Plan for Wales when making decisions.

## **The Countryside and Rights of Way Act 2000 (Meaning of Public Body) (Wales) Regulations 2021**

The [Countryside and Rights of Way Act 2000 \(Meaning of Public Body\) \(Wales\) Regulations 2021](#) amends section 85 of the Countryside and Rights of Way Act 2000 in order that when Corporate Joint Committees, established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, exercise or perform any function in relation to, or affecting, land in an area of outstanding natural beauty they shall have regard to the purposes of

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conserving and enhancing the natural beauty of the area.

## **The National Parks and Access to the Countryside Act 1949 (Meaning of Public Body) (Wales) Regulations 2021**

The **National Parks and Access to the Countryside Act 1949 (Meaning of Public Body) (Wales) Regulations 2021** amends section 11A of the National Parks and Access to the Countryside Act 1949 in order that when Corporate Joint Committees, established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, exercise or perform any function in relation to, or affecting, land in a National Park they must have regard to the purposes specified in section 5(1) of the National Parks and Access to the Countryside Act 1949. These purposes being conserving and enhancing their natural beauty, wildlife and cultural heritage and promoting opportunities for the understanding and enjoyment of the special qualities of National Parks by the public.

## **The Children and Families (Wales) Measure 2010 (Amendment to the List of Welsh Authorities) Regulations 2021**

The **Children and Families (Wales) Measure 2010 (Amendment to the list of Welsh authorities) Regulations 2021** amends section 6(1) of the Children and Families (Wales) Measure 2010 (“the Measure”) in order to add Corporate Joint Committees, established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021, to the list of relevant authorities required to make and demonstrate their contribution towards the eradication of child poverty in Wales.

Corporate Joint Committees will be required therefore to prepare and publish a strategy for contributing to the eradication of child poverty in Wales and the actions it intends to take to achieve the objectives within the strategy.

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# The Child Poverty Strategy (Corporate Joint Committees) (Wales) Regulations 2021

The [Child Poverty Strategy \(Corporate Joint Committees\) \(Wales\) Regulations 2021](#) sets out the requirements in terms of preparation, review, renewal, publication and inspection of a child poverty strategy prepared by Corporate Joint Committees under section 2 of the Children and Families (Wales) Measure 2010.

The Regulations set out the duration of the first and subsequent child poverty strategies to be prepared by a CJC, the timing and manner of their publication and inspection, the requirements in terms of reviewing the child poverty strategy and the consultation requirements. The Regulations also amend the Child Poverty Strategy (Wales) Regulations 2011 so as to dis-apply those regulations to Corporate Joint Committees.

The Child Poverty Strategy (Corporate Joint Committees) (Wales) Regulations 2021 will be made after the Children and Families (Wales) Measure 2010 (Amendment to the List of Welsh Authorities) Regulations 2021 are made as the powers to make the order are contained in section 5(3) of the Children and Families (Wales) Measure 2010.

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