

## **Explanatory Memorandum to the Local Government (Wales) Measure 2011 (Modification of Enactments and other Provisions) Order 2013**

This Explanatory Memorandum has been prepared by the Local Government & Government Business Department of the Welsh Government and is laid before the National Assembly for Wales 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 Local Government (Wales) Measure 2011 (Modification of Enactments and other Provisions) Order 2013. I am satisfied that the benefits outweigh any costs.

*Lesley Griffiths AM*

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

18 October 2013

## 1. Description

- 1.1 The Local Government (Wales) Measure 2011 (Modification of Enactments and other Provisions) Order 2013 makes provision for the modification of other enacted legislation as a result of the provisions of the Local Government (Wales) Measure 2011 enacted 10<sup>th</sup> May 2011.
- 1.2 This Order does not introduce any new policy, but is required for the Local Government (Wales) Measure 2011 to modify other legislation as appropriate.

## 2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None

## 3. Legislative background

- 3.1 Section 177 of Part 10 of the Local Government (Wales) Measure 2011 (“2011 Measure”) provides for the power to make supplementary provisions which *“includes (but is not limited to) modifications of any enactment.”*  
“Modifications” is defined in section 175 of the 2011 Measure as *“includes (but is not limited to) amendments, repeals and revocations”*.
- 3.2 Section 177 also provides that *“The Welsh Ministers may, by order, make such supplementary, incidental, consequential, transitional, transitory and saving provision as they consider appropriate in connection with this Measure”*.
- 3.3 The Local Government (Wales) Measure 2011 (Modification of Enactments and other Provisions) Order 2013 (“the 2013 Modification Order”) makes modifications to enactments which are considered appropriate in connection with the 2011 Measure. The Order also makes saving provisions which appear appropriate in connection with the Measure using Section 177 of the 2011 Measure as described in 3.2.
- 3.4 The 2013 Modification Order is made subject to approval of the National Assembly for Wales (the affirmative procedure).

#### **4. Purpose & intended effect of the legislation**

- 4.1 The 2013 Modification Order makes modifications to enactments which are considered appropriate in connection with the 2011 Measure, it also makes saving provisions which appear appropriate in connection with the Measure.
- 4.2 Part 1 of the 2013 Modification Order provides the introductory provisions for the Order including its title, commencement and application.
- 4.3 Part 2 of the Order (alternative and executive arrangements: modifications and other provisions) (Articles 2 to 10) makes consequential and saving provision in connection with Part 3 of the 2011 Measure (available governance arrangements) (sections 34 to 36).
- 4.4 Part 3 of the Order (organisation of communities and their councils: modifications) (articles 10 and 11) makes amendments to secondary legislation in consequence of the changes made to the Local Government Act 1972 ("1972 Act") by Part 7 of the 2011 Measure (communities and community councils).
- 4.5 The 2013 Modification Order will modify the following pieces of existing legislation in relation to Wales:
  - Local Government and Public Involvement in Health Act 2007;
  - Definition of Independent Visitors (Children) Regulations 1991;
  - National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000;
  - Standards Committees (Wales) Regulations 2001;
  - Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001;
  - Parent Governor Representatives and Church Representatives (Wales) Regulations 2001;
  - Local Authorities (Executive Arrangements) (Discharge of Functions) (Wales) Regulations 2002;
  - Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007; and
  - Local Authorities (Miscellaneous Provisions) Order 1979.

#### **5. Regulatory Impact Assessment (RIA)**

- 5.1 As this is a Modification Order it does not introduce any new policy and therefore a regulatory impact assessment is not required.

- 5.2 Any cost and benefit impacts of the 2011 Measure were stated in the explanatory memorandum which accompanied it.

## **6. Consultation**

- 6.1 No public consultation was required for the 2013 Modification Order as it does not introduce any new policy. A public consultation on the main policy objectives for the 2011 Measure was conducted in 2010 prior to introduction of the Measure.

## **7. Competition Assessment**

- 7.1 There are no market implications associated with the making of these Regulations. It has no impact on business, charities or the voluntary sector.