Draft Order laid before Parliament under section 95(5) of the Government of Wales Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No.

CONSTITUTIONAL LAW

DEVOLUTION, WALES

The National Assembly for Wales (Legislative Competence) (Local Government) Order 2010

Made - - - - [ ]

Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the day of 2010

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 95(5) of the Government of Wales Act(**a**), a draft of this Order has been laid before, and approved by resolution of, the National Assembly for Wales and each House of Parliament.

Accordingly, Her Majesty, in pursuance of section 95(1) of the Government of Wales Act 2006, is pleased, by and with the advice of Her Privy Council, to order as follows:–

Citation and commencement

1. This Order may be cited as the National Assembly for Wales (Legislative Competence) (Local Government) Order 2010 and it shall come into force on the day after the day on which it is made.

Amendments relating to the field of local government

2.—(1) Field 12 (local government) of Part 1 of Schedule 5 to the Government of Wales Act 2006 is amended as follows.

(2) In matter 12.1 omit the words from ""Principal area" means" to "principal area.".

(3) In matter 12.6 omit the second paragraph (b).

(4) In matter 12.7 omit the words from "For the purposes" to "borough council.".

(**a**) 2006 c.32.

(5) After matter 12.7(**a**) insert —

"*Matter 12.8*

Areas of communities and constitution, structure, and procedures of local government institutions for communities.

Matter 12.9

Electoral arrangements for elected local government institutions for communities.

In this matter "electoral arrangements" does not include—

(a) the local government franchise;

(b) electoral registration and administration;

(c) the voting system for the return of members in an election.

Matter 12.10

Conferral on local government institutions for communities of powers—

(a) to which this matter applies,

(b) that are exercisable in relation to their areas, and

(c) that are powers exercisable by principal councils in relation to principal areas.

This matter applies to powers to do anything which the holder of the power considers likely to promote or improve the economic, social or environmental well-being of an area.

Matter 12.11

Grants from the Welsh Ministers to fund local government for communities.

Matter 12.12

Relations between different communities (and their local government institutions), or between communities (and their local government institutions) and principal councils.

Matter 12.13

Schemes for the accreditation of quality in local government for communities.

Matter 12.14

Public participation in local government for communities (apart from elections).

(**a**) Matters 12.1 to 12.5 were inserted by the Local Government and Public Involvement in Health Act 2007 (c.28), section 235, Schedule 17, paragraphs 1 and 2. Matters 12.6 and 12.7 were inserted by section 33 of the Local Democracy, Economic Development and Construction Act 2009 (c.20).

Matter 12.15

The provision of information relating to local government to the public.

For the purposes of this matter "local government" means—

(a) local government for communities;

(b) local government for counties and county boroughs.

Matter 12.16

Salaries, allowances, pensions and other payments for members of the following—

(a) local government institutions for communities;

(b) county councils and county borough councils;

(c) National Park authorities;

(d) fire and rescue authorities constituted by schemes under section 2 of the Fire and Rescue Services Act 2004 or schemes to which section 4 of that Act apply.

Matter 12.17

Promoting and supporting membership of the following—

(a) local government institutions for communities;

(b) county councils and county borough councils.

Interpretation of this field

In this field—

"communities" means separate areas for the administration of local government, each of which is wholly within a principal area (but does not constitute the whole of a principal area);

"principal area" means a county borough or a county;

"principal council" means a council for a principal area.".

Name
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Government of Wales Act 2006 ("the 2006 Act"). The Order extends the legislative competence of the National Assembly for Wales to make laws known as Measures of the National Assembly for Wales (referred to in the 2006 Act as "Assembly Measures"). The legislative competence conferred by this Order is subject to general limitations on the exercise of that legislative competence, which apply by virtue of section 94 of, and Schedule 5 to, the 2006 Act.

Article 2 inserts matters 12.8 to 12.17 and interpretation provisions into field 12 (local government) of Part 1 of Schedule 5 to the 2006 Act.

Matters 12.8 to 12.14 cover a range of topics concerning local government for communities. These topics include: areas of communities; constitution, structure and procedures of institutions; electoral arrangements; powers to promote or improve the economic, social or environmental well-being of a community area; grant funding for communities; relations between communities and relations between communities and counties and county boroughs; quality accreditation schemes for local government for communities; and public participation in local government for communities.

"Communities" are defined for the purposes of field 12 (by an amendment to that field inserted by this LCO) as separate areas for the administration of local government, each of which is wholly within the area of a county council or county borough council (but does not constitute the whole area of a county council or county borough council).

Matter 12.15 is about the provision of information to the public about local government for communities, counties and county boroughs.

Matter 12.16 is about salaries, allowances, pensions and other payments for members of local government institutions for communities, county and county borough councils, National Park authorities and fire and rescue authorities.

Matter 12.17 is about promoting and supporting membership of local government institutions for communities and county and county borough councils.

A full regulatory impact assessment has not been prepared for this Order since the effect of this Order is only to confer competence on the National Assembly for Wales to legislate.

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