
WELSH STATUTORY INSTRUMENTS

2023 No. 944 (W. 154)

LOCAL GOVERNMENT, WALES

The Local Government Officers (Political Restrictions) (Amendment) (Wales) Regulations 2023

<i>Made</i>	- - - -	<i>31 August 2023</i>
<i>Laid before Senedd Cymru</i>		<i>1 September 2023</i>
<i>Coming into force</i>	- -	<i>2 October 2023</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 1(5), (6) and (12) and 191(1) of the Local Government and Housing Act 1989⁽¹⁾ and now vested in them⁽²⁾.

Title, coming into force and application

1.—(1) The title of these Regulations is the Local Government Officers (Political Restrictions) (Amendment) (Wales) Regulations 2023.

(2) These Regulations come into force on 2 October 2023.

(3) These Regulations apply in relation to Wales.

Amendment to the Local Government Officers (Political Restrictions) Regulations 1990

2. The Local Government Officers (Political Restrictions) Regulations 1990⁽³⁾ is amended as follows.

3. In regulation 2, at the appropriate place insert—

““local authority” includes a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021⁽⁴⁾”.

⁽¹⁾ 1989 c. 42. Section 1(12) was inserted by regulation 10(2)(c) of S.I. 2021/1349.

⁽²⁾ The powers of the Secretary of State were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now vested in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

⁽³⁾ S.I. 1990/851, amended by S.I. 2018/1310; there are other amending instruments, but none is relevant to these Regulations.

⁽⁴⁾ 2021 asc 1.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

31 August 2023

Rebecca Evans
Minister for Finance and Local Government, one
of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Local Government Officers (Political Restrictions) Regulations 1990 (S.I. 1990/851) (“the 1990 Regulations”) impose restrictions on the public political activities of local government officers who are appointed to or employed in posts which are politically restricted posts for the purposes of Part 1 of the Local Government and Housing Act 1989 (c. 42) (“the 1989 Act”). The restrictions take the form of terms and conditions that are deemed to be incorporated into those officers’ terms of appointment and conditions of employment (“the restrictions”).

These Regulations add corporate joint committees established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1) (“CJCs”) to the 1990 Regulations to impose the restrictions on the public political activities of officers of CJCs who are the holders of politically restricted posts in Wales for the purposes of Part 1 of the 1989 Act.

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 and orders. As a result, a regulatory impact assessment was prepared at the time of making those establishment regulations and is relied on for the purpose of these Regulations. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.