

ADRODDIAD GAN Y PWYLLGOR DEDDFAU LEGISLATION COMMITTEE REPORT

The Local Authorities (Alternative Arrangements) (Amendment) (Wales) Regulations 2004

The purpose of these Regulations is to vary the lists of functions that are not to be the responsibility of a local authority's Board, that may be the responsibility of the Board, and those that may not be the sole responsibility of the Board. Those lists appear in the Schedules to the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001 (the 2001 Regulations).

Standing Order 11.7

The following points have been identified for reporting under SO 11.7.

Part 1 of Schedule 1 lists changes to Schedule 1 of the 2001 Regulations. It purports to insert a new item 18 dealing with provisions under the Vehicles (Crime) Act 2001. However, unlike the remaining provisions identified for insertion into the Schedules to the principal Regulations, those identified under this Act do not refer to local authority functions.

For example, section 2(3) has been identified, but that deals with the power to prescribe the particulars to be contained in an entry in the register of motor salvage operators. On the other hand, the duty of local authorities to establish and maintain the register contained in section 2(1) has not been identified.

Similarly, section 3(1) which deals with the making of an application for registration has been identified, but the following sub-sections which set out what local authorities have to do with the applications have not been identified.

Sections 7 and 41, which have also been identified in part, deal with the making of regulations rather than the responsibilities of local authorities.

It is considered that the inclusion of incorrect section numbers are minor drafting or typographical errors capable of being corrected by Memorandum of Corrections provided the functions identified in the adjoining column ("powers in respect of registration of motor salvage operators") remain unchanged. [Standing Order 11.7(iv)].

The Welsh text of regulation 2(c) reads: "*ym mharagraff (2)(a) o reoliad 8 ac ar ei ddiwedd dileer "a" a mewnosoder "neu";*". The relevant part of regulation 8 of the 2001 Regulations reads : "(a) gosod unrhyw amod, terfyn neu gyfyngiad arall ar gymeradwyaeth, cydsyniad, trwydded, caniatâd neu gofrestriad a ganiateir –

(i) wrth arfer swyddogaeth a bennir yng ngholofn (1) o Atodlen 1; neu

(ii) heblaw gan Fwrdd yr awdurdod, wrth arfer unrhyw swyddogaeth o dan Ddeddf leol; a".

The use of "ac" in the current Regulations is capable of meaning that the substitution is to take place for the "a" before "ganiateir" as well as at the end. That potential ambiguity

could be removed simply by omitting the “ac” in the amending paragraph. [Standing Order 11.7(v)].

In amendment 3 in Part 3 of the Schedule to these Regulations, the word “Strategol” has been omitted from the Welsh title of the first body (though it was correctly included in this amendment in the parallel regulations dealing with Executive Arrangements. [Standing Order 11.7(vi)].

Both these matters are also minor errors suitable for correcting by a Memorandum of Corrections.

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