

Explanatory Memorandum to the Corporate Joint Committees (Transport Functions) (Consequential Modifications and Transitional Provisions) (Wales) Regulations 2022

This Explanatory Memorandum has been prepared by the Department of Economic Infrastructure of the Welsh Government and is laid before Senedd Cymru in conjunction with the above regulations and 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 Corporate Joint Committees (Transport Functions) (Consequential Modifications and Transitional Provisions) (Wales) Regulations 2022

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Deputy Minister for Climate Change, acting under the authority of the Minister for Climate Change, one of the Welsh Ministers

25 January 2022

1. Description

The Corporate Joint Committees (Transport Functions) (Consequential Modifications and Transitional Provisions) (Wales) Regulations 2022 modify the Transport Act 2000 in cases where a Corporate Joint Committee has been established by Regulations and the function of developing polices under section 108 of the Transport Act 2000 has been conferred on the Corporate Joint Committee. They also make consequential modifications to legislation and transitional provisions, as well as revoking the Regional Transport Planning (Wales) Order 2014.

Those provisions come into force on 28 February 2022.

2. Matters of special interest to the Equality, Local Government and Communities Committee

No specific matters identified.

3. Legislative background

The powers enabling these Regulations to be made are contained in sections 173 and 174 of the Local Government and Elections (Wales) Act 2021.

Section 173 provides the Welsh Ministers with a power to make supplementary, incidental or consequential, transitional, transitory or saving provision they consider necessary or expedient for the purposes of, in consequence of, or for giving full effect to any provision of the Act.

Section 174 requires that these Regulations will be subject to the affirmative resolution procedure in the Senedd.

Subject to approval by the Senedd, the Regulations will be made by the Minister for Finance and Local Government and come into force on 28 February 2022.

4. Purpose and intended effect of the legislation

Section 108 of the Transport Act 2000 requires that each local transport authority whose area is in Wales must prepare a document to be known as the local transport plan (LTP). This plan must contain their policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within their area, and their policies for the implementation in their area of the WTS. The Regional Transport Planning (Wales) Order 2014 allowed local authorities to produce joint LTPs.

There are currently nine LTPs in Wales covering the following local authority areas:

1. North Wales (Anglesey, Conwy, Denbighshire, Gwynedd (Arfon and Dwyfor), Flintshire, Wrexham)
2. Mid Wales (Ceredigion, Gwynedd (Meirionnydd), Powys)
3. South West Wales (Carmarthenshire, Neath Port Talbot, Pembrokeshire, Swansea)

4. South East Wales Valleys (Blaenau Gwent, Caerphilly, Merthyr Tydfil, Rhondda Cynon Taf, Torfaen)
5. Bridgend
6. Cardiff
7. Monmouthshire
8. Newport
9. Vale of Glamorgan

The LTPs were approved by Welsh Ministers on 20 May 2015. Section 109B(3) of the Transport Act 2000 requires each local transport authority to replace the plan not later than five years after the date on which it was approved under section 109A. Section 109B(5) of the Transport (Wales) Act 2006 requires local transport authorities to submit their replacement plan to the Welsh Ministers for approval before the end of the five year period following the approval of the plan. This means the LTPs were due to be replaced by 20 May 2020. The date was extended by 2 years until May 2022 to allow the LTPs to take account of the new WTS.

The duties placed on local authorities in the Transport Act 2000 to develop transport policies and establish LTPs for their areas will now transfer to Corporate Joint Committees in accordance with the South East Wales Corporate Joint Committee Regulations 2021, the South West Wales Corporate Joint Committee Regulations 2021, the Mid Wales Corporate Joint Committee Regulations 2021 and the North Wales Corporate Joint Committee Regulations 2021 made under sections 74, 83 and 174 of the Local Government and Elections (Wales) Act 2021. The Local Government and Elections (Wales) Act 2021 established four Corporate Joint Committees in Wales: North, Mid, South West and South East Wales. The transfer of the transport planning functions on 30 June 2022.

The Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021, which come into force on 28 February 2022, modify the Transport Act 2000 in cases where a Corporate Joint Committee has been established by Regulations and the function of developing policies under section 108 of the 2000 Act has been conferred on the Corporate Joint Committee. The modifications require the Corporate Joint Committee to develop transport policies and establish a regional transport plan for its area.

These regulations:

1. Amend related legislation which refers to LTPs, including the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (SI 2005/2839), the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (SI 2007/399), the Transport (Wales) Act 2006 and the Active Travel (Wales) Act 2013.
2. Ensure that the policies contained within existing LTPs remain in force until the new regional transport plans are in force.
3. Revoke the Regional Transport Planning (Wales) Order 2014, which enable local authorities to work together to produce joint LTPs.

5. Consultation

No formal consultation has taken place on these Regulations as the Regulations make only consequential technical amendments and transitional provisions.

6. Regulatory Impact Assessment

A regulatory impact assessment has not been prepared in respect of these consequential amendment regulations as they make consequential technical amendments to existing legislation and transitional provisions and do not impose or reduce costs for business, charities or voluntary bodies or the public sector.