

# SL(6)144 - The Corporate Joint Committees (Transport Functions) (Consequential Modifications and Transitional Provisions) (Wales) Regulations 2022

## Background and Purpose

The Corporate Joint Committees (Transport Functions) (Consequential Modifications and Transitional Provisions) (Wales) Regulations 2022 (“the [Regulations](#)”) are made by the Welsh Ministers under sections 173 and 174 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act”). They make amendments to primary and secondary legislation consequent to the modifications to the Transport Act 2000 made by the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021 (“the 2021 Regulations”).

The Part 5 of the 2021 Act confers power on the Welsh Ministers to establish corporate joint committees. Corporate joint committees are bodies corporate consisting of such county councils and county borough councils in Wales as are specified in the Regulations establishing them. They may exercise the functions specified in those Regulations, including (among other things) specified functions of a county or county borough council relating to transport.

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 Wales Transport Strategy. The Regional Transport Planning (Wales) Order 2014 allowed local authorities to produce joint local transport plans.

Functions under section 108 of the Transport Act 2000 have been conferred on four separate corporate joint committees under the following regulations made under sections 74, 83 and 174 of the 2021 Act:

- The South East Wales Corporate Joint Committee Regulations 2021 (S.I. 2021/343 (W. 97));
- The South West Wales Corporate Joint Committee Regulations 2021 (S.I. 2021/352 (W. 104));
- The Mid Wales Corporate Joint Committee Regulations 2021 (S.I. 2021/342 (W. 96));
- The North Wales Corporate Joint Committee Regulations 2021 (S.I. 2021/339 (W. 93)).

The 2021 Regulations, which come into force on the same day as the Regulations, 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 Transport Act



2000 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.

The Regulations:

- 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.
- Ensure that the policies contained within existing LTPs remain in force until the new regional transport plans are in force.
- Revoke the Regional Transport Planning (Wales) Order 2014.

## Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

## Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

### **1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.**

The Regulations at various points refer to Paragraph 108(2A)(a) of the Transport Act 2000, which relates to the development of relevant policies, as opposed to Paragraph 108(2A)(b), which relates to the implementation of those policies. It is noted, however, that at other points in the Regulations reference is simply made to subsection 108(2A)<sup>1</sup>. It is unclear why the reference to Paragraph (a) was omitted on these occasions as all the references appear to relate to the development of relevant policies and not their implementation.

## Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

## Welsh Government response

**Technical Scrutiny point:** It is noted that the Regulations at various points refer to Section 108(2A)(a) of the Transport Act 2000, which relates to the development of relevant policies (as opposed to Paragraph 108(2A)(b), which relates to the implementation of those policies).

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<sup>1</sup> At: paras. 4(4) and 4(5) of the Regulations, and sub-para. 1(b) of the Schedule



Where such references are made, they are intended to refer specifically to section 108(2A)(a) of the Transport Act 2000, which provides that each local transport authority whose area is in Wales must develop policies for the implementation in their area of the Wales Transport Strategy. However, the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021 (SI 2021/328) modify the Transport Act 2000 where the function of developing policies under section 108(1)(a) and (2A)(a) of the Transport Act 2000 in respect of the area of a local transport authority is conferred on a corporate joint committee.

Regulation 2(2)(Interpretation) provides for this via providing for how references to a modified provision of the 2000 Act in the Regulations should be read.

While the unmodified section 108(2A) of the Transport Act 2000 includes section 108(2A)(a) and (b), the modified section 108(2A) does not have paragraphs within it. In consequence, it is considered correct to refer to modified section 108(2A) as opposed to modified section 108(2A)(a) where such references are made in regulations 4(4) and (5). In addition, the reference to section 108(2A) in the first paragraph of the Schedule is a reference to the modified section 108(2A).

The Welsh Government concedes that, for the sake of consistency, the reference in regulation 4(4) to any policies developed by a constituent council under section 108(2A) could have been drafted to specifically refer to section 108(2A)(a). However, there is only one reference to the development of policies in section 108(2A) and accordingly it is considered that the meaning of the provision is clear.

**Merits Scrutiny:** No points were identified.

## Committee Consideration

The Committee considered the instrument and Government response at its meeting on 7 February 2022 and reports to the Senedd in line with the reporting point above.

