

*Draft Regulations laid before Senedd Cymru under section 174 of the Local Government and Elections (Wales) Act 2021, for approval by resolution of Senedd Cymru.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2022 No. (W. )**

**LOCAL GOVERNMENT,  
WALES**

**The Corporate Joint Committees  
(Transport Functions)  
(Consequential Modifications and  
Transitional Provisions) (Wales)  
Regulations 2022**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1) 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.

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 Local Government and Elections (Wales) Act 2021—

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

- (d) The North Wales Corporate Joint Committee Regulations 2021 (S.I. 2021/339 (W. 93)).

The Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021 (“the 2021 Regulations”), which come into force on the same day as these 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 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 are made by the Welsh Ministers under section 173 of the Local Government and Elections (Wales) Act 2021. They make amendments to primary and secondary legislation consequent to the modifications to the Transport Act 2000 made by the 2021 Regulations.

Regulation 4 makes provision to preserve existing transport policies prepared by county and county borough councils until such time as regional transport plans are in force in relation to their areas.

Regulation 5 revokes the Regional Transport Planning (Wales) Order 2014.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Corporate Joint Committees  
(Transport Functions)  
(Consequential Modifications and  
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Regulations 2022**

*Made*

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*Coming into force*

*28 February 2022*

The Welsh Ministers, in exercise of the powers conferred by section 173 of the Local Government and Elections (Wales) Act 2021(1), make the following Regulations.

A draft of these Regulations has been approved by a resolution of Senedd Cymru in accordance with section 174(4) and (5)(t) of that Act.

**Title and commencement**

**1.**—(1) The title of these Regulations is the Corporate Joint Committees (Transport Functions) (Consequential Modifications and Transitional Provisions) (Wales) Regulations 2022.

(2) These Regulations come into force on 28 February 2022.

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(1) 2021 asc 1.

## Interpretation

2.—(1) In these Regulations—

“the 2000 Act” (“*Deddf 2000*”) means the Transport Act 2000<sup>(1)</sup>;

“constituent council” (“*cyngor cyfansoddol*”) means a council for a county or county borough council in Wales, in respect of whose area the Welsh Ministers have established a corporate joint committee;

“corporate joint committee” (“*cyd-bwyllgor corfforedig*”) means a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;

“local transport authority” (“*awdurdod trafnidiaeth lleol*”) means a county council or county borough council.

(2) For the purposes of these Regulations, any reference to a “modified” provision of the 2000 Act is a reference to that provision as modified by the Schedule to the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021<sup>(2)</sup>.

## Modifications to legislation

3. Where the function of developing policies under section 108(1)(a) and (2A)(a) of Part 2 of the 2000 Act in respect of the area of a local transport authority is conferred on a corporate joint committee, the legislation referred to in the Schedule applies subject to the modifications set out in the Schedule.

## Transitional provision

4.—(1) This regulation applies where the function of developing policies under section 108(1)(a) and (2A)(a) of Part 2 of the 2000 Act in respect of the area of a local transport authority is conferred on a corporate joint committee.

(2) Any policies developed by a constituent council under section 108(1)(a) of the 2000 Act are to be treated as if they were policies developed by the corporate joint committee under modified section 108(1) of the 2000 Act in respect of that part of the corporate joint committee’s area as is constituted by the area of the constituent council.

(3) Paragraph (2) ceases to apply when the corporate joint committee develops policies in respect of that part of its area under modified section 108(1) of the 2000 Act.

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(1) 2000 c. 38.

(2) S.I. 2021/328 (W. 86).

(4) Any policies developed by a constituent council under section 108(2A) of the 2000 Act are to be treated as if they were policies developed by the corporate joint committee under modified section 108(2A) in respect of that part of the corporate joint committee's area as is constituted by the area of the constituent council.

(5) Paragraph (4) ceases to apply when the corporate joint committee develops policies in respect of that part of its area under modified section 108(2A).

(6) A local transport plan submitted by a constituent council and approved by the Welsh Ministers under section 109A of the 2000 Act is to be treated as if it were a regional transport plan submitted by a corporate joint committee and approved by the Welsh Ministers under modified section 109A in respect of that part of the corporate joint committee's area as is constituted by the area of the constituent council.

(7) Paragraph (6) ceases to apply when the Welsh Ministers approve the corporate joint committee's regional transport plan under modified section 109A.

#### **Revocation of the Regional Transport Planning (Wales) Order 2014**

5. The Regional Transport Planning (Wales) Order 2014(1) is revoked.

*Name*

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

Date

## SCHEDULE Regulation 3

### Modifications to legislation

#### **The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005**

1. Regulation 13 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005(1) is to be read as if—

- (a) in paragraph (1), for sub-paragraphs (a) and (b) there were substituted—

- “(a) any regional transport plan prepared under section 108(3A) of the Transport Act 2000 (as modified by the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021), the policies of which affect any part of the LPA’s area;

- (b) any other policies prepared under section 108(1) and (2A) of the Transport Act 2000 (as modified by the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021) which affect any part of the LPA’s area;”;

- (b) paragraph (3) were omitted.

#### **Transport (Wales) Act 2006**

2. The Transport (Wales) Act 2006(2) is to be read as if—

- (a) in section 2 (Wales Transport Strategy), in subsection (5), after paragraph (a), there were inserted—

- “(aa) each corporate joint committee upon whom the function of developing policies under section 108(1)(a) and (2A)(a) of Part 2 of the Transport Act 2000 has been conferred;”;

- (b) in section 14 (interpretation), after subsection (3), there were inserted—

- “(4) “Corporate joint committee” means a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.”

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(1) S.I. 2005/2839 (W. 203).  
(2) 2006 c. 5.

**The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007**

3. The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007(1) are to be read as if, in the table in Schedule 3, the entry relating to a Local Transport Plan were omitted.

**Active Travel (Wales) Act 2013**

4. The Active Travel (Wales) Act 2013(2) is to be read as if—

- (a) for section 6 (developing transport policies with regard to integrated network map), there were substituted—

**“6 Developing transport policies with regard to integrated network map**

Each corporate joint committee upon whom the function of developing policies under section 108(1)(a) and (2A)(a) of the Transport Act 2000 (policies forming basis of regional transport plans) has been conferred must, in developing those policies, have regard to the integrated network map for its area.”;

- (b) in section 13, in the appropriate place, there were inserted—

““corporate joint committee” (“*cyd-bwyllgor corfforedig*”) means a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021;”.

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(1) S.I. 2007/399 (W. 45).  
(2) 2013 anaw 7.