

Explanatory Memorandum to The Elections and Elected Bodies (Wales) Act 2024 (Consequential Amendments) Regulations 2025

This Explanatory Memorandum has been prepared by the Local Government Policy Division of the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Elections and Elected Bodies (Wales) Act 2024 (Consequential Amendments) Regulations 2025.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government
07 March 2025

1. Description

The Elections and Elected Bodies (Wales) Act 2024 (Consequential Amendments) Regulations 2025 (“the Regulations”) make necessary amendments to secondary legislation as a consequence of commencing provisions within Chapter 2 of Part 2 (elected bodies and their members) of the Elections and Elected Bodies (Wales) Act 2024 (“the 2024 Act”).

Those provisions are to be commenced on 1 April 2025, through the Elections and Elected Bodies (Wales) Act 2024 (Commencement No.1) Order 2024 (“the 2024 Order”).

2. Matters of special interest to the Legislation, Justice and Constitution Committee

No specific matters identified.

3. Legislative background

The powers enabling these Regulations to be made are contained in section 71 of the 2024 Act which provides the Welsh Ministers with a power to make regulations containing supplementary, incidental, consequential, transitional or saving provisions which give full effect to any provision of the 2024 Act. Section 71(2) provides that those regulations may amend, modify, repeal or revoke any enactment.

As the Regulations only amend secondary legislation, section 71(5) of the 2024 Act specifies that they are made subject to annulment in pursuance of a resolution of Senedd Cymru.

4. Purpose and intended effect of the legislation.

The Regulations make consequential amendments to secondary legislation arising from the commencement of provisions in Chapter 2 of Part 2 of the 2024 Act, which repeal the provisions of the Local Government (Wales) Measure 2011 (“the 2011 Measure”) which established the Independent Remuneration Panel for Wales (“the Panel”) and set out its functions, thereby abolishing the Panel. The provisions also confer most of the remuneration functions previously undertaken by the Panel, on the Democracy and Boundary Commission Cymru (“the Commission”).

The Regulations make the necessary changes to regulations and orders which currently include references to either the 2011 Measure and/or the Panel.

The Education (Admission Appeals Arrangements) (Wales) Regulations 2005 are amended to provide that in future, any allowances to be paid to members of admission appeals panels will be decided by the Commission.

The Local Authorities (Model Code of Conduct)) (Wales) Order 2008 is amended to provide that in future allowances or payments made to local authority members carrying out business relating to a function of a local authority, which are not to be regarded as creating a prejudicial interest for a member, will be decided by the Commission.

The Freedom of Information (Additional Public Authorities) Order 2010 is, regarding the application of obligations under the Freedom of Information Act 2000, amended to designate the Commission as a public body instead of the Panel.

The Elections (Wales) (Amendment) (EU Exit) Regulations 2019 are amended to revoke regulation 2 which made specific changes to Schedule 2 to, the 2011 Measure concerning membership of the Panel. Schedule 2 to, the 2011 Measure is repealed by section 56 of the 2024 Act with effect from 1 April 2025 by the 2024 Order.

The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 are amended to revoke regulation 4, which amended the 2011 Measure to set out the Panel's remunerative function for members of relevant authorities, including corporate joint committees. The provisions of the 2011 Measure setting out the Panel's functions are repealed by section 56 of the 2024 Act with effect from 1 April 2025 by the 2024 Order. The 2024 Act provides for those remunerative functions to be exercised by the Commission.

5. Consultation

No formal consultation has been undertaken as the Regulations only make technical consequential amendments.

6. Regulatory Impact Assessment

A regulatory impact assessment has not been prepared for these Regulations as they simply make technical amendments to secondary legislation and do not impose or reduce costs for business, charities or voluntary bodies or the public sector.