

# Statutory Instruments with Clear Reports

## 25 April 2022

### **SL(6)184 – [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022](#)**

#### **Procedure: Made Negative**

Section 54 of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) requires principal councils, which are county councils and county borough councils in Wales, to appoint a chief executive. This requirement replaces the requirement on principal councils to designate one of their officers as their head of paid service under section 4 of the Local Government and Housing Act 1989.

Schedule 5 to the 2021 Act makes consequential amendments to primary legislation as a result of section 54, however, consequential amendments to secondary legislation are not included in that Schedule. These Regulations therefore make such consequential amendments to secondary legislation. They also put in place transitional provision so that those officers who are designated as a head of paid service immediately before 5 May 2022 (the date upon which section 54 and Schedule 5 of the 2021 Act, together with these Regulations, come into force) will be treated as the chief executive under section 54 of the 2021 Act.

**Parent Act:** Local Government and Elections (Wales) Act 2021; Local Government and Housing Act 1989

**Date Made:** 22 March 2022

**Date Laid:** 25 March 2022

**Coming into force date:** 05 May 2022



# Statutory Instruments with Clear Reports

## 25 April 2022

### **SL(6)189 – The Education (Postgraduate Student Support) (Miscellaneous Amendments) (Wales) Regulations 2022**

#### **Procedure: Made Negative**

These Regulations amend the following postgraduate student support regulations:

- The Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017;
- The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018; and
- The Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019.

The effect of these amendments is to:

- Increase the amount of support payable to postgraduate Master's students by the projected rate of inflation, by increasing the amount of loan. Grant support is not increased. Total support will increase from £18,025 to £18,430 per course;
- Increase the amount of support for doctoral students by the projected rate of inflation. Doctoral support is loan only, which will be increased from £27,265 to £27,880 per course;
- Remove references to the 'grace period' in relation to the EU Settlement Scheme as that period has now ended;
- Make individuals granted leave to enter or remain in the United Kingdom as a relevant Afghan citizen under the Afghan Relocation and Assistance Policy and Afghan Citizen Relocation Scheme eligible for student support. This is extended to the spouse, civil partner or any dependent children. It does not extend to a partner who is not a spouse or civil partner of a relevant Afghan citizen;
- Make students in receipt of the social work bursary eligible for postgraduate Master's support, in the form of a loan. Currently, students studying for a postgraduate Master's in social work who are in receipt of a Social Care Wales bursary are not eligible for student support. As a result of these Regulations, these students will become eligible to apply for top-up loan support; and
- Make certain students ineligible for a doctoral loan when in receipt of a Welsh Government bursary. The Government's policy rationale is to avoid double funding.

These Regulations apply in relation to the provision of student support in relation to an academic year which begins on or after 1 August 2022.

**Parent Act:** Teaching and Higher Education Act 1998



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**Date Made:** 29 March 2022

**Date Laid:** 30 March 2022

**Coming into force date:** 06 May 2022



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## 25 April 2022

### **SL(6)192 – The Local Government (Relevant Authorities) (Power to Trade) (Wales) Order 2022**

#### **Procedure: Made Negative**

The Local Government (Relevant Authorities) (Power to Trade) (Wales) Order 2022 (“the Order”) is made by in exercise of the powers conferred on the Welsh Ministers by the relevant provisions in sections 95, 96 and 123 of the Local Government Act 2003.

The Order authorises relevant authorities to do for a commercial purpose anything which they are authorised to do for the purpose of carrying on any of their ordinary functions and makes further provision in relation to a relevant authority’s exercise of the power to trade.

Before it can exercise the power, a relevant authority must prepare and approve a business case in support of the proposed exercise of the power, and the business case must be published as soon as reasonably practicable. The Order requires that the relevant authority must recover the costs of any accommodation, goods, services, staff or any other thing it supplies to a company, through which it is exercising the power to trade, from that company.

Relevant authorities for the purposes of this Order are those relevant authorities in Wales which are: (a) county councils or county borough councils; (b) eligible community councils (that is those community councils which meet the conditions to exercise the General Power of Competence under section 30 of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”); (c) National Park authorities; (d) fire and rescue authorities, constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies; and e) corporate joint committees established by regulations made under Part 5 of the 2021 Act.

This Order also revokes the Local Government (Best Value Authorities) (Power to Trade) (Wales) Order 2006.

**Parent Act:** Local Government Act 2003

**Date Made:** 04 April 2022

**Date Laid:** 06 April 2022

**Coming into force date:** 05 May 2022



# Statutory Instruments with Clear Reports

## 25 April 2022

### **SL(6)193 – [The General Power of Competence \(Commercial Purpose\) \(Conditions\) \(Wales\) \(Amendment\) Regulations 2022](#)**

#### **Procedure: Made Negative**

Section 24 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act) confers a general power of competence on principal councils and eligible community councils. In particular, the general power of competence confers on those authorities a power to do certain things for a commercial purpose.

The power to do things for a commercial purpose is subject to conditions set out in section 27 of the 2021 Act. Section 28(4) of the 2021 Act provides a power for the Welsh Ministers to provide, by regulations, for the exercise of the general power to be subject to additional conditions.

The General Power of Competence (Commercial Purpose) (Conditions) (Wales) Regulations 2021 (the 2021 Regulations) prescribe the conditions to be met by a principal council before exercising the general power for a commercial purpose.

These Regulations amend the 2021 Regulations to include eligible community councils within the meaning of “authority” in the 2021 Regulations. This has the effect of extending the application of the conditions in the 2021 Regulations to eligible community councils from 5 May 2022, which is the date from which they may exercise the general power of competence, including for a commercial purpose.

**Parent Act:** Local Government and Elections (Wales) Act 2021

**Date Made:** 04 April 2022

**Date Laid:** 06 April 2022

**Coming into force date:** 05 May 2022



# Statutory Instruments with Clear Reports

## 25 April 2022

### **SL(6)187 – The Local Government and Elections (Wales) Act 2021 (Consequential Amendments) (Job-sharing and Assistants to the Executive) Regulations 2022**

#### **Procedure: Affirmative**

These Regulations make amendments which are consequential on sections 57 and 58 of, and Schedule 7 to, the Local Government and Elections (Wales) Act 2021. Section 57 relates to the appointment of assistants to a local authority executive while section 58 and Schedule 7 relate to the sharing of office on a local authority executive.

Regulation 2 amends the Local Government (Wales) Measure 2011 to provide that two or more members of a local authority who share office on the executive, may be appointed to a local authority's democratic services committee, or a local authority's governance and audit committee, but that those members together only count as one member for the purposes specified in respect of each committee (membership, voting and requisitioning a meeting).

Regulation 3 amends the Standards Committee (Wales) Regulations 2001 (the 2001 Regulations) to provide that a local authority standards committee can only include either one executive member or one assistant to the executive, from that local authority. Further, where two or more local authorities establish a joint standards committee, then that committee can only include either one executive member or one assistant to the executive, from each constituent local authority.

Regulation 3 also amends the 2001 Regulations to provide that two or more members of a local authority executive who share office may be appointed to a local authority's standards committee but that those members together only count as one member for the purposes specified (size and composition of the committee, voting and quorum).

Regulation 4 amends the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (Wales) Order 2002 to provide that neither an interim mayor nor interim executive members, are to be treated as members of a local authority executive for the purpose of the statutory limit imposed on the number of executive members set out in section 11 of the Local Government 2000 Act.

**Parent Act:** Local Government and Elections (Wales) Act 2021

**Date Made:**

**Date Laid:** 29 March 2022



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