

Explanatory Memorandum to the Crime and Disorder Act 1998 (Additional Authority) (Wales) Order 2022

This Explanatory Memorandum has been prepared by the Local Government Department 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 Crime and Disorder Act 1998 (Additional Authority) (Wales) Order 2022.

Rebecca Evans MS
Minister for Finance and Local Government
1 March 2022

1. Description

The Crime and Disorder Act 1998 (Additional Authority) (Wales) Order 2022 (“the Order”) amends section 17(2) of the Crime and Disorder Act 1998 (“the Act”) to include Corporate Joint Committees within the list of authorities in section 17(2) of the Act and as such are liable to comply with section 17(1).

Those provisions come into force on the 25 March 2022.

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

No specific matters identified.

3. Legislative background

The powers enabling the Order to be made are contained in sections 17(4) and 114(3) of the Act.

Section 17(4) provides the Welsh Ministers with a power to amend section 17 by adding an entry for any person or body to the list of authorities in subsection (2).

Section 114(3) requires that, before it can be made, a draft of the Order must be laid before and approved by resolution by 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 25 March 2022.

4. Purpose and intended effect of the legislation

The Crime and Disorder Act 1998 (Additional Authority) (Wales) Order 2022 (“the Order”) amends section 17(2) of the Crime and Disorder Act 1998 (“the Act”) to include Corporate Joint Committees within the list of authorities in section 17(2) of the Act and as such are liable to comply with section 17(1).

As a result of this Order, Corporate Joint Committees established under Part 5 of the Local Government and Elections (Wales) Act 2021 will need to have due regard to the likely effect of the exercise of their functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area, the misuse of drugs, alcohol and other substances in its area, and reoffending in its area.

The Order forms a package of amendments to legislation that will underpin all Corporate Joint Committees and put in place the necessary legislative framework for effective administration and governance of a Corporate Joint Committee.

Corporate Joint Committees are corporate bodies, established via regulation, and consist of those principal councils in Wales which are specified in the establishment regulations. In some circumstances National Park authorities in Wales are also included in a Corporate Joint Committee, where this is the case this will also be set out in the relevant establishment Regulations.

The overall intent in establishing Corporate Joint Committees is that a Corporate Joint Committee will be treated as part of or a member of the 'local government family' and largely subject to the same or similar powers and duties as local authorities in the way that they operate and are governed.

The amendments within these regulations inserts "a Corporate Joint Committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc. 1);" into the list of authorities in section 17(2) of the Act.

5. Consultation

The Crime and Disorder Act 1998 (Additional Authority) (Wales) Order 2022 forms part of a package of general regulations / orders which underpin Corporate Joint Committees in Wales. The overall approach to the development of the legislative framework which underpins Corporate Joint Committees and the duties which should apply has been co-developed with Local Government, the WLGA and a number of professional networks, including for example Lawyers in Local Government and the Society of Welsh Treasurers. A comprehensive consultation was also undertaken on the draft [Corporate Joint Committee Establishment Regulations](#), which ran from 12 October 2020 to 4 Jan 2021, and the wider regulatory regime which was intended to apply to Corporate Joint Committees.

In response to the consultation there was overwhelming support, in particular from local authorities, that Corporate Joint Committees should be subject to existing legislative and governance regimes and that Corporate Joint Committees should be subject to the same powers and duties as principal councils and the same governance and administrative framework as principal councils.

6. Regulatory Impact Assessment (RIA)

These Regulations are connected with regulations which established certain Corporate Joint Committees under Part 5 of the Local Government and Elections (Wales) Act 2021. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments ("RIA") was considered in relation to the Regulations which establish Corporate Joint Committees and connected Orders and Regulations. As a result, a RIA was prepared at the time of making those establishment Regulations and is relied upon for the purpose of this Order.

A copy of the [RIA](#) to accompany The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021 is available as part of the relevant documentation to accompany those Regulations.