

Local Government Byelaws (Wales) Bill: Summary of changes made at Stage 2

Introduction

This document sets out the main changes made to the **Local Government Byelaws (Wales) Bill** (‘the Bill’) during Stage 2 proceedings.

Background

The Bill was introduced by the Minister for Local Government and Communities, Carl Sargaent AM, on **28 November 2011** and subsequently referred by the Business Committee to the **Communities, Equality and Local Government Committee** (‘the committee’) for Stage 1 scrutiny.

The committee published its Stage 1 report on **30 March 2012**. The Constitutional and Legislative Affairs Committee published its report on the Bill’s subordinate legislation provisions on **20 March 2012**.

The Bill was approved unanimously at Stage 1 by the Assembly following a debate on its general principles in Plenary on **24 April 2012**.

Stage 2 proceedings commenced on 25 April. A total of 49 amendments were tabled (43 of which were tabled by the Welsh Government). The committee considered and disposed of the amendments at its meeting on 17 May.

Further information about the Bill (as introduced) is available in a **Bill Summary** prepared by the Research Service.

Amendments passed at Stage 2

A total of 43 amendments were passed by the committee during Stage 2 proceedings. All the amendments passed were tabled by the Welsh Government. All non-government amendments were rejected.

The most significant changes made to the Bill are summarised below:

Section 4: Revocation or amendment by a legislating authority

- Amendments 6 and 7 remove the ability of a legislating authority to amend a byelaw. The authority however would still retain the power to revoke and replace a byelaw under powers contained in the Bill.

Section 5: Revocation by the Welsh Ministers

- Amendment 9 replaces the word “think” with “conclude” in subsection (1) relating to the consideration of obsolete byelaws by Welsh Ministers, as recommended by the committee.
- Amendment 10 adds a requirement for Welsh Ministers to consult interested parties, including community councils, before making an order to revoke a byelaw, as recommended by the Constitutional and Legislative Affairs Committee.

Section 6: Byelaws not requiring confirmation

- Amendment 12 expands the consultation process procedure by requiring a legislative authority to consult any community council that it considers likely to be interested in a proposed byelaw not requiring confirmation, as recommended by the committee.
- Amendments 13 and 14 increases the minimum period for consultation for byelaws not requiring confirmation from one month to six weeks, as recommended by the committee.

- Amendment 15 provides that byelaws not requiring confirmation should be placed on deposit in a place within the legislating authority's area, rather than only in a legislating authority's principal office. The Minister stated that guidance on this issue would be introduced at a later date.
- Amendment 16 adds a requirement for a copy of draft byelaws not requiring confirmation to be sent by legislating authorities to all effected community councils, as recommended by the committee. A council will then have a minimum period of six weeks in which to consider the draft byelaw and respond.

Section 7: Byelaws requiring confirmation

- Amendment 18 ensures that byelaws requiring confirmation by Welsh Ministers are subject to the same statutory consultation arrangements as those byelaws not requiring confirmation, as recommended by the committee.
- Amendments 19 and 20 increase the minimum period where a byelaw must be published and deposited before being submitted for confirmation by Welsh Ministers from one month to six weeks, as recommended by the committee.
- Amendments 21 and 22 provides that byelaws requiring confirmation by Welsh Ministers should be placed on deposit in a place in the authority's area, rather than only at the principal office.
- Amendment 23 adds a requirement for a copy of a byelaw requiring confirmation by Welsh Ministers to be sent by the legislative authority to all affected community councils, as recommended by the committee.

Section 18: Guidance

- Amendments 25 and 26 widen the powers of Welsh Ministers to issue guidance to legislative authorities in relation to the making and enforcement of byelaws, as recommended by the Constitutional and Legislative Affairs Committee.

Part 1 of Schedule 1: Byelaws not requiring confirmation

- Amendments 27, 28 and 29 adds the byelaw making powers contained in Section 31 of the **Road Traffic Regulation Act 1984** to the Bill so that byelaws made under this legislation do not require confirmation by Welsh Ministers.

Next steps

An amended version of the Bill will now be prepared by the Legislation Office and published on the **Bill's web page** in due course.

Stage 3 began on 18 May 2012 (the day after Stage 2 proceedings were completed). Members have until 6pm on 26 June 2012 to table further amendments through the Legislation Office (legislationoffice@wales.gov.uk). Stage 3 proceedings will take place in plenary on 3 July 2012.

Further information

For further information on the Bill, please contact the Legislation Clerk, Bethan Davies (bethan.davies@wales.gov.uk), extension 8120, or Rhys Iorwerth (rhys.iorwerth@wales.gov.uk), extension 8927.