

SL(6)379 – The Local Government Officers (Political Restrictions) (Amendment) (Wales) Regulations 2023

Background and Purpose

The Local Government Officers (Political Restrictions) Regulations 1990 (“the **1990 Regulations**”) impose restrictions on the public political activities of local government officers in posts which are politically restricted for the purposes of Part 1 of the Local Government and Housing Act 1989 (“**restricted posts**”).

The restrictions take the form of terms and conditions that are deemed to be incorporated into those officers’ terms of appointment and conditions of employment (“**the restrictions**”).

These Regulations extend the restrictions to officers of a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 (“**CJC**”) where those officers are appointed to, or employed in, restricted posts.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Regulation 3 inserts a new definition of “*local authority*” in regulation 2 of the 1990 Regulations which provides that, for the purposes of the 1990 Regulations, a local authority includes a CJC.

In the Schedule to the 1990 Regulations, which contains the restrictions, there are a number of references to a local authority. For example, paragraph 2C of that Schedule provides for immediate termination of appointment in circumstances where a relevant office holder gives notice to “the local authority” of an intention to become a candidate at a Senedd election.



The Government is therefore asked to clarify the intended effect of regulation 3 of these Regulations, insofar as it relates to each of the references to “local authority” appearing in the Schedule to the 1990 Regulations.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

The Explanatory Memorandum notes that these Regulations are:

“...part of a package of instruments which underpin the establishment of CJs and which seek to ensure CJs are subject to the same administrative and governance requirements as local government.”

Welsh Government response

A Welsh Government response to the first reporting point is required.

Legal Advisers

Legislation, Justice and Constitution Committee

18 September 2023



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee