



# Local Government Byelaws (Wales) Act 2012

2012 anaw 2

## *Procedure for byelaws*

### **8 Formalities, commencement and publication of byelaws**

- (1) This section applies to byelaws made by a legislating authority under any enactment.
- (2) But this section does not apply to the extent that the enactment conferring the power to make the byelaw makes different provision in relation to one or more of the following –
  - (a) signature or sealing of the byelaw;
  - (b) publication of the byelaw;
  - (c) making copies of the byelaw available.
- (3) Byelaws made by a legislating authority must be made under the common seal of the authority, or, in the case of byelaws made by a community council not having a seal, signed by two members of the council.
- (4) Byelaws come into effect on the date fixed by the legislating authority, or if they require confirmation, by the confirming authority. If no date is fixed, they come into effect at the end of one month from the date they are made (or confirmed, as applicable).
- (5) The legislating authority which makes the byelaw must –
  - (a) publish the byelaw on the authority's website when made, or if it requires confirmation, when confirmed;
  - (b) deposit a copy of the byelaw at a place in the authority's area;
  - (c) ensure that the copy is open to public inspection at all reasonable hours without payment;
  - (d) give a copy of the byelaw to a person who requests it, subject to that person paying such reasonable fee charged by the authority (if any).

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*Status: This is the original version (as it was originally enacted).*

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- (6) The proper officer of a county borough council or county council must send a copy of a byelaw once made, or where required once confirmed, to the proper officer of the council of every community to which the byelaw applies.
- (7) In the case of byelaws made by a National Park authority, the proper officer of the authority must send a copy of a byelaw once made, or where required once confirmed, to the proper officer of –
  - (a) the council for every county borough or county whose area includes the whole or part of the National Park;
  - (b) the council of every community whose area includes the whole or part of the National Park.
- (8) In the case of byelaws made by the Countryside Council for Wales under the National Parks and Access to the Countryside Act 1949, the Council must ensure that it sends a copy of a byelaw once made, or where required once confirmed, to the proper officer of –
  - (a) the council of every county borough or county to whose area the byelaw applies;
  - (b) the council of every community to whose area the byelaw applies.
- (9) The proper officer of the community council must –
  - (a) arrange for a copy of a byelaw sent to the officer to be deposited with the public documents of the community;
  - (b) ensure that the copy is open to public inspection at all reasonable hours without payment.
- (10) In subsections (6) to (9) the “proper officer” is the officer duly authorised for that purpose by that body.