



# Local Government and Elections (Wales) Act 2021

2021 asc 1

## PART 7

### MERGERS AND RESTRUCTURING OF PRINCIPAL AREAS

#### CHAPTER 3

##### FUNCTIONS RELATING TO MERGERS AND RESTRUCTURING

**136 Transition committees**

Schedule 11 makes provision about the establishment of transition committees.

**137 Restraint of transactions and recruitment**

Schedule 12 makes provision about restraints on transactions and recruitment.

**138 Reviews of electoral arrangements**

- (1) The Welsh Ministers may direct the Local Democracy and Boundary Commission for Wales to conduct an initial review of electoral arrangements after the Welsh Ministers—
  - (a) receive a merger application, or
  - (b) give notice as described in section 129(6).
- (2) Before giving a direction under subsection (1) the Welsh Ministers must consult—
  - (a) the Local Democracy and Boundary Commission for Wales, and
  - (b) such persons representing principal councils as the Welsh Ministers consider appropriate.

- (3) A direction under subsection (1) to conduct an initial review in relation to a proposal to transfer part of a principal area to be abolished to another principal area, or in relation to restructuring regulations which provide for such a transfer—
  - (a) must specify the area (which may be all or part of a principal area) that is to be subject to the initial review, and
  - (b) may specify that one or more matters of a kind described in sub-paragraph (i) or (ii) are not to be considered in the initial review; and those matters are—
    - (i) matters set out in the definition of “electoral arrangements” in paragraph 3(1) of Schedule 1;
    - (ii) matters set out in the definition of “relevant consequential changes” in that paragraph.
- (4) A direction under subsection (1) must specify the voting system in relation to which the electoral arrangements are to be reviewed.
- (5) Schedule 1 makes provision in relation to initial reviews conducted by virtue of this section.
- (6) The Welsh Ministers may by regulations amend subsection (3) of section 29 of the 2013 Act (periodic reviews of electoral arrangements for principal areas).

### **139 Prohibition of changes to executive arrangements**

- (1) After receiving a merger application the Welsh Ministers may direct a merging council that—
  - (a) until merger regulations applying to the council come into force, or
  - (b) until it receives notice under section 121(5),
 it must not take any steps (including the holding of a referendum) to change its form of executive.
- (2) After giving notice as described in section 129(6), the Welsh Ministers may direct a restructuring council that—
  - (a) until restructuring regulations applying to the council come into force, or
  - (b) until it receives notice under section 134(3),
 it must not take any steps (including the holding of a referendum) to change its form of executive.
- (3) While a direction under subsection (1) or (2) has effect in relation to a council, the council is not subject to any duty imposed by or under an enactment to take steps to change its form of executive.

### **140 Requirement on principal councils to provide information etc. to the Welsh Ministers**

- (1) The Welsh Ministers may direct a principal council (“council A”) to provide them with any information or documents they consider appropriate—
  - (a) for the purposes of considering whether to transfer the functions of council A to another principal council (“council B”) or to a new principal council,
  - (b) for the purposes of giving effect to such a transfer, or
  - (c) otherwise in connection with such a transfer.

- (2) The Welsh Ministers may also direct council B to provide the Welsh Ministers with any information or documents which they consider appropriate as mentioned in subsection (1)(a), (b) or (c).

**141 Requirement on principal councils to provide information etc. to other bodies**

- (1) The Welsh Ministers may direct a principal council (“council A”) to provide a relevant body with any information or documents which the Welsh Ministers consider appropriate—
- (a) for the purposes of considering whether to transfer the functions of council A to another principal council (“council B”) or to a new principal council,
  - (b) for the purposes of giving effect to such a transfer, or
  - (c) otherwise in connection with such a transfer.
- (2) The following are relevant bodies—
- (a) any other principal council (including council B) whose area will be, or is likely to be, affected by any merger regulations or restructuring regulations made in respect of council A;
  - (b) any transition committee established by council A (see Schedule 11);
  - (c) if a new principal area containing all or part of council A’s area is to be constituted, the shadow council for the new principal area.
- (3) The Welsh Ministers may also direct council B to provide another relevant body or council A with any information or documents which the Welsh Ministers consider appropriate as mentioned in subsection (1)(a), (b) or (c).