



Local Government (Wales) Act 1994

1994 CHAPTER 19

PART III

DECENTRALISATION AND JOINT WORKING

Joint working

32 Provision of information to Secretary of State

- (1) The Secretary of State may at any time before 31st March 1999 direct any new principal council to give to him—
 - (a) details of the arrangements which they have made, or propose to make, for the performance of specified functions of theirs; and
 - (b) information of a specified kind or description as to the performance of specified functions of theirs.
- (2) In subsection (1) “specified”, in relation to a direction, means specified in the direction.
- (3) Nothing in this section is to be taken as affecting the operation of any other provision under which a local authority may be required to provide information of any kind to the Secretary of State or to any other person.

33 Joint working arrangements

- (1) Where it appears to the Secretary of State—
 - (a) that particular functions of a new principal council should be discharged in accordance with arrangements entered into by that council and one or more other such councils in relation to the exercise of those functions, but
 - (b) that satisfactory arrangements for the exercise of those functions will not be, or are unlikely to be, in force on or after 1st April 1996,he may, at any time before 31st March 1999, give a direction to the councils concerned requiring them to make specified arrangements in relation to the exercise of specified functions.

Status: This is the original version (as it was originally enacted).

- (2) The arrangements specified may, in particular, be, or include, arrangements for the joint exercise of functions.
- (3) In this section “specified”, in relation to a direction, means specified in the direction.
- (4) In considering whether to give a direction under subsection (1), the Secretary of State shall have regard, in particular, to the desirability of the functions in question being discharged effectively and in a financially efficient manner.
- (5) A direction under subsection (1) shall remain in force—
 - (a) until it is withdrawn by a notice in writing given by the Secretary of State to the councils concerned; or
 - (b) where a period is specified in the direction during which the direction is to have effect, and the direction has not been withdrawn by the Secretary of State, until the end of that period.
- (6) A direction under subsection (1) may at any time while it is in force be varied by the Secretary of State.
- (7) Nothing in subsection (5) or (6) shall be taken to affect the power of the Secretary of State to give a further direction under subsection (1).

34 Joint authorities

- (1) Where a direction has been given by the Secretary of State under section 33 but it appears to him that—
 - (a) it has proved impracticable to implement the arrangements required by the direction,
 - (b) the required arrangements have been implemented but are not working satisfactorily, or
 - (c) the required arrangements are, or have been, working satisfactorily but are unlikely to continue to work satisfactorily,
 he may by order establish a body to act for the areas of the councils to which the direction relates.
- (2) A body established under subsection (1) shall be known as a joint authority and may be established as a body corporate.
- (3) A joint authority shall consist of such number of members as may be determined by the order establishing it.
- (4) Those members shall be appointed by the councils to which the order relates, from among their members, each council being entitled to appoint such number of members as may be specified in the order.
- (5) Where at any time the number of members of a joint authority is less than the required number, the Secretary of State may, if he is satisfied that the councils concerned have had a reasonable opportunity to make the necessary appointment or appointments—
 - (a) give such direction to the councils concerned or to any of them as he considers appropriate; and
 - (b) appoint such members (from among such persons as he considers appropriate) as may be required to complete the membership of the authority.

- (6) The joint authority shall discharge the functions to which the direction relates, from a date specified in the order establishing the authority until such alternative arrangements for the exercise of the functions as appear to the Secretary of State to be satisfactory are brought into force.
- (7) The power conferred on the Secretary of State by subsection (1) may not be exercised after 31st March 1999 but an order under subsection (1) which is made before that date shall continue in force until revoked by the Secretary of State.
- (8) An order under this section may—
 - (a) provide for the joint authority concerned to be treated, for all purposes or only for the purposes of such enactments as may be prescribed, as a new principal council;
 - (b) provide for such enactments relating to new principal councils as may be prescribed (either generally or by reference to specified enactments) to have effect in relation to the joint authority concerned subject to such modifications as may be prescribed;
 - (c) make provision enabling the Secretary of State to require the joint authority concerned to submit to him a scheme for winding itself up and for the transfer to any of the councils for whose areas the joint authority is established of any of the joint authority's property, rights and liabilities or of any functions which it carries out.
- (9) The Secretary of State may by order provide—
 - (a) for excluding any functions, or any functions in any area, from those falling to be carried out by a joint authority; and
 - (b) for giving effect (with or without modifications) to any scheme submitted to him under a provision made by virtue of subsection (8) for the dissolution of a joint authority.
- (10) The power to make an order under this section includes, in particular, power to make provision for the transfer of property, rights and liabilities.