



# Local Government (Wales) Act 1994

## 1994 CHAPTER 19

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTAL

#### 60 Records

- (1) Each new principal council shall make and maintain a scheme setting out their arrangements for the proper care, preservation and management of their records.
- (2) Each scheme shall include details of any relevant shared arrangements which the council concerned have made.
- (3) The council by whom a scheme has been made shall keep the scheme under review and, where they consider that it should be modified, make such adjustments to it as they consider appropriate.
- (4) Before making, or modifying, their scheme a new principal council shall consult the Secretary of State and have regard to any advice that he may give.
- (5) Where the records of a new principal council relate to the area, or part of the area, of another such council, that other council shall have the right—
  - (a) to inspect those records at all reasonable times (without payment of any fee); and
  - (b) to take copies of any of them, in such manner as carries no risk of damage.
- (6) The right conferred by subsection (5) is subject to any shared arrangements which affect the records concerned.
- (7) In this section—

“documents” includes records, of whatever form and in whatever medium, which convey or are capable of conveying information;

“records”, in relation to a council, means any documents which—

  - (a) belong to the council or of which they have custody; and

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(b) have been retained for reference and research purposes or because of their likely historical interest; and

“shared arrangements”, in relation to a council, means any arrangements which the council have made with any other authority under section 25 of this Act or section 101 of the 1972 Act (arrangements for the discharge of functions by other local authorities).

## **61 Lieutenancies**

(1) In section 130 of the Reserve Forces Act 1980 (lieutenancies in England and Wales), at the end add—

“(4) In this section and in sections 133 to 137 below “county” means, in relation to Wales, a preserved county (as defined by section 64 of the Local Government (Wales) Act 1994).”

(2) Her Majesty may by Order in Council make such amendments in section 130 of the Act of 1980, with respect to the area for which any lord-lieutenant or lieutenant may be appointed, as Her Majesty considers appropriate in the light of the changes made by or under this Act with respect to the areas of local authorities in Wales.

(3) Any such Order may make such incidental, consequential, transitional or supplemental provision (including provision amending the Act of 1980 or any other enactment) as appears to Her Majesty to be necessary or expedient.

(4) In section 94 of the Act of 1980 (procedure for enlistment), at the end add—

“(4) In subsection (2) above “county” means, in relation to Wales, a preserved county (as defined by section 64 of the Local Government (Wales) Act 1994).”

(5) In section 133 of the Act of 1980 (deputy lieutenants), at the end add—

“(6) In relation to Wales, subsection (5) above shall have effect as if the words from “(at” to “rate)” were omitted.”

(6) In Schedule 7 to the Act of 1980 (provision of schemes for the constitution of associations), in paragraph 8(5), after the definition of “air force member” insert—

““county” means, in relation to Wales, a preserved county (as defined by section 64 of the Local Government (Wales) Act 1994);”.

## **62 Sheriffs**

(1) In section 3 of the Sheriffs Act 1887 (annual appointment of sheriff) at the end add—

“(4) In this Act “county”, in relation to Wales, means a preserved county (as defined by section 64 of the Local Government (Wales) Act 1994).”

(2) Her Majesty may by Order in Council make such amendments in section 3 of the Act of 1887, with respect to the area for which any sheriff may be appointed, as Her Majesty considers appropriate in the light of the changes made by this Act with respect to the areas of local authorities in Wales.

(3) Any such Order may make such incidental, consequential, transitional or supplemental provision (including provision amending the Act of 1887 or any other enactment) as appears to Her Majesty to be necessary or expedient.

- (4) In section 6 of the Act of 1887 (nomination and appointment of sheriffs), after subsection (3) insert—

“(3A) In relation to Wales—

- (a) subsection (3) above shall apply as if it required the duplicate warrant to be transferred to, and enrolled and kept by, the proper officer of the appropriate county or county borough council; and
- (b) section 3(4) above shall not apply.

(3B) Any question as to which is the appropriate county or county borough council in relation to a particular warrant shall be determined by the Secretary of State.”

### **63 Regulations, orders and directions**

- (1) Any power to make regulations or orders conferred on the Secretary of State or the Lord Chancellor by this Act shall be exercisable by statutory instrument.
- (2) Any such instrument, other than one made under a provision mentioned in subsection (4), shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No order shall be made under section 34 unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) The provisions mentioned in subsection (2) are—
  - (a) sections 17(6), 34, 39(1), 49(6), 53(9) and 66(3);
  - (b) paragraph 18 of Schedule 5;
  - (c) paragraph 1(3) of Schedule 13; and
  - (d) paragraphs 12 and 18 of Schedule 17.
- (5) Any regulations or order made under this Act may—
  - (a) make such supplemental, incidental, consequential or transitional or saving provision as the Secretary of State or (as the case may be) the Lord Chancellor considers appropriate; and
  - (b) make different provision for different cases or classes of case or for different localities.
- (6) Any power of the Secretary of State to give a direction under this Act shall—
  - (a) include power to make different provision for different cases, including different provision for different localities and for different bodies; and
  - (b) shall be exercised in writing.

### **64 Interpretation**

- (1) In this Act—
- “the 1972 Act” means the Local Government Act 1972;
  - “the Commission” means the Staff Commission for Wales or Comisiwn Staff Cymru;
  - “decentralisation scheme” has the meaning given in section 27;
  - “financial year” means the period of twelve months beginning with 1st April;

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“new”, in relation to any area or authority, means an area or authority established by or under this Act;

“old authority” means an authority which ceases to exist as a result of this Act;

“the planning Act” means the Town and Country Planning Act 1990;

“prescribed” means prescribed by an order or by regulations made by the Secretary of State;

“preserved county” means any county created by the 1972 Act as a county in Wales, as that county stood immediately before the passing of this Act but subject to any provision of this Act, or made under the 1972 Act, redrawing its boundaries;

“the Residuary Body” means the Residuary Body for Wales or Corff Gweddilliol Cymru.

- (2) A county borough established by this Act shall not be treated as a borough for the purposes of any Act passed before 1st April 1974.
- (3) Subject to the provisions of this section, this Act and the 1972 Act shall be construed as one.
- (4) Subject to any provision to the contrary, in any amendment of an enactment made by or under this Act “Wales” has the same meaning as in section 269 of the 1972 Act.

## **65 Expenses**

- (1) There shall be defrayed out of money provided by Parliament—
  - (a) any expenses incurred by any Minister of the Crown under this Act; and
  - (b) any increase attributable to the provisions of this Act in the sums payable out of money so provided under any other enactment.
- (2) Any sums received by the Secretary of State under a provision of this Act shall be paid into the Consolidated Fund.

## **66 Short title, commencement, extent etc**

- (1) This Act may be cited as the Local Government (Wales) Act 1994.
- (2) The following provisions of this Act—
  - (a) sections 1(1), (2) and (7), 3, 6, 7, 39, 40, 43, 46, 47, 48, 54, 55, 63 and 64,
  - (b) Schedules 1, 3, 13 and 14 and paragraphs 1, 4, 6 and 9 of Schedule 17, and
  - (c) subsections (1) to (4) and (9) of this section,
 shall come into force on the passing of this Act.
- (3) The other provisions of this Act shall come into force on such day as the Secretary of State may by order appoint.
- (4) Different days may be appointed by an order under subsection (3) for different purposes and different provisions.
- (5) Schedule 15 makes minor and consequential amendments of the 1972 Act.
- (6) Schedule 16 makes certain miscellaneous consequential amendments.
- (7) Schedule 17 contains transitional provisions and savings.

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- (8) The repeals set out in Schedule 18, which include repeals of certain enactments which are spent, shall have effect.
- (9) This Act does not extend to Scotland or Northern Ireland except that any amendment or repeal of another enactment by this Act has the same extent as the enactment amended or repealed.