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WELSH STATUTORY INSTRUMENTS

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**2022 No. 797**

**The Corporate Joint Committees (General)  
(No. 2) (Wales) Regulations 2022**

**PART 2**

Performance and information related to performance

**Amendment of the Public Audit (Wales) Act 2004 to provide for directions by the Auditor General for Wales**

**3.**—(1) The Public Audit (Wales) Act 2004<sup>(1)</sup> is amended as follows.

(2) In section 46(1) (bodies which the Auditor General for Wales may direct to publish information), after paragraph (b) insert—

“(ba) a corporate joint committee;”.

(3) In section 47(4)(c) (inspection of information relating to performance), at the beginning insert “in the case of a relevant body which is not a corporate joint committee,”.

(4) In section 48 (permitted methods of publishing information under section 47), for subsection (1) substitute—

“(1) The permitted methods of publication referred to in section 47(4)(b) are—

- (a) in the case of a relevant body which is a corporate joint committee, electronic publication;
- (b) in the case of a relevant body which is not a corporate joint committee, the methods mentioned in subsections (2) and (3).”

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**Commencement Information**

**II** Reg. 3 in force at 15.7.2022, see [reg. 1\(2\)](#)

**Amendment of the Local Government and Elections (Wales) Act 2021 to apply Chapter 1 of Part 6 to corporate joint committees**

**4.** After Chapter 1 of Part 6 of the 2021 Act (performance of county and county borough councils) insert—

“CHAPTER 1A

PERFORMANCE, PERFORMANCE ASSESSMENTS AND  
INTERVENTION: CORPORATE JOINT COMMITTEES

**115A Application of Chapter 1 to corporate joint committees**

Schedule 10A applies Chapter 1 (performance, performance assessments and intervention: principal councils), except sections 113, 114 and 115, to a corporate joint committee with the modifications set out in that Schedule.”

5. After Schedule 10 to the 2021 Act insert—

“SCHEDULE 10A

(introduced by section 115A)

*APPLICATION OF CHAPTER 1 OF PART 6 TO CORPORATE JOINT COMMITTEES*

1. Chapter 1 of Part 6, except for sections 113, 114 and 115, applies to a corporate joint committee with the modifications set out in this Schedule.

General modification of references

2. In Chapter 1 of Part 6—

- (a) the references to a principal council are to be read as references to a corporate joint committee but this is subject to paragraphs 3 to 17 of this Schedule (which make additional modifications to certain provisions of Chapter 1 of Part 6);
- (b) the references to a principal council’s governance and audit committee are to be read as references to a corporate joint committee’s governance and audit sub-committee;
- (c) the references to the area of a principal council are to be read as references to the area specified as a corporate joint committee’s area in regulations under Part 5 establishing the corporate joint committee.

Corporate joint committee to consult local people etc. on performance

3. Section 90 is to be read as if—

- (a) in paragraph (a) “local people” means people who live, work or study in the area specified as the corporate joint committee’s area in regulations under Part 5 establishing the corporate joint committee;
- (b) after paragraph (c) (and before “and”) there were inserted—
  - “(ca) each constituent council of the corporate joint committee,
  - (cb) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee,”.

Self-assessment report by corporate joint committee

4. Section 91(10)(c) is to be read as if—

- (a) in sub-paragraph (ii), at the beginning, there were inserted “if the corporate joint committee has a function relating to education,”;
- (b) after sub-paragraph (ii) (and before “and”) there were inserted—
  - “(iia) each constituent council of the corporate joint committee,
  - (iib) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee,”.

Panel assessment of performance

**5.** Section 92 is to be read as if—

- (a) in subsection (1), for “to the council” there were substituted “to principal councils in Wales (“the inter-election period”);
- (b) after subsection (1) there were inserted—
  - “(1A) For the purposes of subsection (1), the first inter-election period is the period immediately following the election mentioned in subsection (1B).
  - (1B) The election mentioned in this subsection is the next ordinary election of councillors to principal councils in Wales which follows that which took place on 5 May 2022.”;
- (c) in subsection (3)—
  - (i) in paragraph (a) “local people” means people who live, work or study in the area specified as the corporate joint committee’s area in regulations under Part 5 establishing the corporate joint committee;
  - (ii) after paragraph (c) (and before “and”) there were inserted—
    - “(ca) each constituent council of the corporate joint committee,
    - (cb) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee.”;
- (d) in subsection (5)—
  - (i) in paragraph (c), at the beginning, there were inserted “if the corporate joint committee has a function relating to education.”;
  - (ii) after paragraph (c) (and before “and”) there were inserted—
    - “(ca) each constituent council of the corporate joint committee,
    - (cb) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee.”;
- (e) in subsection (7), for “to the council” there were substituted “to principal councils in Wales”;
- (f) after subsection (7) there were inserted—
  - “(7A) The first of the elections mentioned in subsection (7) is the next ordinary election of councillors to principal councils in Wales which follows the election mentioned in subsection (1B).”

Response by corporate joint committee to report by panel

**6.** Section 93 is to be read as if—

- (a) in subsection (6)(b)—
  - (i) in sub-paragraph (iii), at the beginning, there were inserted “if the corporate joint committee has a function relating to education.”;
  - (ii) after sub-paragraph (iii) (and before “and”) there were inserted—
    - “(iiia) each constituent council of the corporate joint committee,
    - (iiib) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee.”;
- (b) in subsection (7), for “to the council” there were substituted “to principal councils in Wales”;
- (c) after subsection (7) there were inserted—

“(7A) The first of the elections mentioned in subsection (7) is the next ordinary election of councillors to principal councils in Wales which follows the election mentioned in section 92(1B).”

Special inspection by Auditor General for Wales

7. Section 95 is to be read as if—

(a) in subsection (7)(b)—

(i) in sub-paragraph (ii), at the beginning, there were inserted “if the corporate joint committee has a function relating to education,”;

(ii) after sub-paragraph (ii) (and before “and”), there were inserted—

“(ia) each constituent council of the corporate joint committee,

(iib) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee,”;

(b) subsection (9) were omitted.

Response by corporate joint committee to Auditor General’s recommendations

8. Section 96(7)(b) is to be read as if—

(a) in sub-paragraph (i), at the beginning, there were inserted “if the corporate joint committee has a function relating to education,”;

(b) after sub-paragraph (i) (and before “and”) there were inserted—

“(ia) each constituent council of the corporate joint committee,

(ib) any National Park authority which is required by regulations under Part 5 to appoint a member of the corporate joint committee,”.

Response by the Welsh Ministers to Auditor General’s recommendations

9. Section 97(2)(b) is to be read as if—

(a) after sub-paragraph (ii) (and before “and”) there were inserted—

“(ia) each constituent council of that corporate joint committee,

(iib) any National Park authority which is required by regulations under Part 5 to appoint a member of that corporate joint committee,”;

(b) in sub-paragraph (iii), at the beginning, there were inserted “if the corporate joint committee has a function relating to education,”.

Auditor General’s powers of entry and inspection etc.

10. Section 98 is to be read as if—

(a) for subsection (1) there were substituted—

“(1) An inspector may at any reasonable time enter any premises of —

(a) a corporate joint committee;

(b) a constituent council of a corporate joint committee;

(c) a National Park authority which is required by regulations under Part 5 to appoint a member of a corporate joint committee,

and do anything that the inspector considers necessary for the purposes of a special inspection of the corporate joint committee, including inspecting a document held by the authority whose premises the inspector has entered.”;

(b) for subsection (2) there were substituted—

“(2) An inspector may require an authority mentioned in paragraph (a), (b) or (c) of subsection (1) to provide the inspector with any of the following that the inspector

considers necessary for the purposes of a special inspection of the corporate joint committee—

- (a) a document held by the authority;
- (b) facilities and assistance.”;
- (c) for paragraph (b) of subsection (4) there were substituted—
  - “(b) require an authority mentioned in paragraph (a), (b) or (c) of subsection (1) to provide the inspector with a legible copy, including a legible electronic copy, of a document inspected on its premises under subsection (1) or provided by it under subsection (2)(a);”.

Auditor General’s powers of entry and inspection etc.: notice and evidence of identity

**11.** Section 99 is to be read as if—

- (a) for subsection (1) there were substituted—
  - “(1) An inspector may enter the premises of an authority mentioned in paragraph (a), (b) or (c) of section 98(1) in exercise of the powers under that subsection only if—
    - (a) an inspector has given notice in writing to the authority, and
    - (b) there are at least three working days between the day on which the inspector gives the notice and the day on which the inspector enters the premises.”;
- (b) in subsection (2), for “council”, in both places it appears, there were substituted “authority”;
- (c) for subsection (3) there were substituted—
  - “(3) The requirement in subsection (1) does not apply if an inspector considers that giving an authority notice of the exercise of a power under section 98(1) against it would, or would be likely to, prejudice that exercise of the power.
  - (3A) The requirement in subsection (2) does not apply if an inspector considers that giving an authority notice of the exercise of a power under section 98(2) against it would, or would be likely to, prejudice that exercise of the power.”;
- (d) in subsection (4)(b)(i), for “member of a principal council or a member of the staff of a principal council” there were substituted “member of, or a member of the staff of, a principal council or a National Park authority (whether or not that person is also a member of, or a member of the staff of, a corporate joint committee)”;
- (e) in subsection (5)—
  - (i) for “a principal council” there were substituted “an authority mentioned in paragraph (a), (b) or (c) of section 98(1)”;
  - (ii) for “council”, in each place it appears in paragraphs (a), (b) and (c), there were substituted “authority”;
  - (iii) after paragraph (c) there were inserted—
    - “(d) if the authority to which the notice is to be given is a corporate joint committee—
      - (i) leaving the notice at the principal office of a constituent council of the corporate joint committee;
      - (ii) sending the notice by first class post, or by an alternative service which provides for delivery no later than the next working day, to the principal office of a constituent council of the corporate joint committee.”;
- (f) in subsection (6)—

(i) for “member of a principal council or a member of the staff of a principal council” there were substituted “member of, or a member of the staff of, a principal council or a National Park authority (whether or not that person is also a member of, or a member of the staff of, a corporate joint committee)”;

(ii) in paragraphs (a) and (b), for “council” there were substituted “principal council or National Park authority”;

(g) in subsection (7), for “member of a principal council or a member of the staff of a principal council” there were substituted “member of, or a member of the staff of, a principal council or a National Park authority”.

Consultation on Auditor General’s fees

**12.** Section 101(5)(b) is to be read as if for “principal councils” there were substituted “corporate joint committees”.

Direction to provide support and assistance

**13.** Section 103 is to be read as if—

(a) for subsection (1) there were substituted—

“(1) The Welsh Ministers may direct an authority mentioned in subsection (1A) to provide a corporate joint committee (“the supported corporate joint committee”) with such support and assistance as the Welsh Ministers consider appropriate to increase the extent to which the supported corporate joint committee meets the performance requirements.

(1A) The authorities mentioned in this subsection are—

(a) a corporate joint committee;

(b) a principal council.”;

(b) in subsection (3), for “both councils” there were substituted “the authority to which the Welsh Ministers are proposing to give the direction and the supported corporate joint committee”;

(c) in subsection (4)—

(i) for “a principal council” there were substituted “an authority”;

(ii) for “supported council”, in each place it appears there were substituted “supported corporate joint committee”.

Powers of the Welsh Ministers to intervene

**14.** Section 104(2)(a) is to be read as if for “another council” there were substituted “another authority”.

Direction to co-operate with provision of support and assistance

**15.** Section 105 is to be read as if—

(a) in subsection (1)—

(i) for “principal council (“the supported council”)” there were substituted “corporate joint committee (“the supported corporate joint committee”)”;

(ii) in paragraph (b), for “a principal council” there were substituted “an authority”;

(iii) for “to the supported council” there were substituted “to the supported corporate joint committee”;

(b) in subsections (2), (3) and (4), for “council”, in each place it appears, there were substituted “corporate joint committee”;

(c) in subsection (5), for “a principal council” there were substituted “an authority”.

Exercise of functions

16. Section 108 is to be read as if, for subsections (1) to (3), there were substituted—

“(1) Regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (arrangements for the discharge of functions) does not apply to the functions of a corporate joint committee mentioned in subsection (4).”

Interpretation

17. Section 112 is to be read as if, in the appropriate place, were inserted—

““constituent council” (“*cyngor cyfansoddol*”), in relation to a particular corporate joint committee, means a constituent council as set out in the regulations under Part 5 establishing the corporate joint committee;”.

6.—(1) In the title of Part 6 of the 2021 Act, after “PRINCIPAL COUNCILS” insert “AND CORPORATE JOINT COMMITTEES”.

(2) In the title of Chapter 1 of that Part, after “INTERVENTION” insert “: PRINCIPAL COUNCILS”.

#### Commencement Information

**I2** Reg. 4 in force at 15.7.2022, see [reg. 1\(2\)](#)

**I3** Reg. 5 in force at 15.7.2022, see [reg. 1\(2\)](#)

**I4** Reg. 6 in force at 15.7.2022, see [reg. 1\(2\)](#)

#### Amendment of section 159 of the Local Government and Elections (Wales) Act 2021

7. In section 159 of the 2021 Act (information sharing between regulators, the Auditor General for Wales and the Welsh Ministers)—

(a) in subsection (1), after “principal council” insert “or a corporate joint committee”;

(b) in subsection (4), after paragraph (b) insert—

“(ba) functions of the Auditor General for Wales or the Welsh Ministers under Chapter 1A of Part 6 (performance of corporate joint committees);”;

(c) in subsection (5), in Table 2 —

(i) after the third entry in the second column relating to the Auditor General for Wales insert—

“Functions under Chapter 1A of Part 6 of this Act (special inspections of performance of corporate joint committees)”

(ii) in the second column, in the second entry relating to the Welsh Ministers, after “(performance of principal councils)” insert “, Chapter 1A of Part 6 (performance of corporate joint committees).”

#### Commencement Information

**I5** Reg. 7 in force at 15.7.2022, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022, PART 2.