



# Localism Act 2011

## 2011 CHAPTER 20

### PART 3

#### EU FINANCIAL SANCTIONS: WALES

PROSPECTIVE

#### **62 Designation of Welsh public authorities**

- (1) The Welsh Ministers may by order designate a Welsh public authority for the purposes of this Part.
- (2) The order must—
  - (a) specify the Welsh public authority by name;
  - (b) identify any EU financial sanction to which the designation applies; and
  - (c) describe the activities of the authority which are covered by the designation.
- (3) The order may identify an EU financial sanction for the purposes of subsection (2) (b) by—
  - (a) specifying an EU financial sanction that has been imposed on the United Kingdom;
  - (b) specifying any Article 260(2) proceedings that have been commenced and providing that the designation is to apply to any EU financial sanction that may be imposed on the United Kingdom in those proceedings;
  - (c) specifying a judgment of the Court of Justice finding that the United Kingdom has failed to comply with an EU obligation and providing that the designation is to apply to any EU financial sanction that may be imposed on the United Kingdom for failing to comply with that judgment; or
  - (d) specifying or describing any proceedings under Article 258 or 259 of the Treaty on the Functioning of the European Union that have been or may be commenced and providing that the designation is to apply to any EU financial sanction that may be imposed on the United Kingdom for failing to comply with a judgment of the Court of Justice given in those proceedings.

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*Status: Point in time view as at 01/11/2021. This version of this provision is prospective.*

*Changes to legislation: Localism Act 2011, Section 62 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (4) The order may, for the purposes of subsection (3)(d), describe any proceedings under Article 258 or 259 that may be commenced by reference to the subject-matter of—
  - (a) a Reasoned Opinion addressed to the United Kingdom under Article 258 or 259 (as the case may be); or
  - (b) any other document sent to the Government of the United Kingdom by the Commission of the European Union or by another member State which gives notice to the Government of the possibility of proceedings being commenced against the United Kingdom.
- (5) The activities described for the purposes of subsection (2)(c) must be activities of the Welsh public authority which—
  - (a) are carried out in the exercise of Welsh devolved functions of the authority; and
  - (b) take place after the provisions of the order describing the activities come into force.
- (6) The following may not be designated under this section—
  - (a) the National Assembly for Wales;
  - (b) a Minister of the Crown or a United Kingdom government department;
  - (c) a member of the Welsh Assembly Government;
  - (d) a court or tribunal.
- (7) Before making an order designating a Welsh public authority the Welsh Ministers must consult—
  - (a) the authority concerned; and
  - (b) if the authority concerned has any functions other than Welsh devolved functions, the appropriate national authority.
- (8) In sections 64 to 66 references to “acts”, in relation to a Welsh public authority which has been designated under this section, are to acts within a description of activities covered by the designation.

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