
WELSH STATUTORY INSTRUMENTS

2002 No. 783 (W.84)

LOCAL GOVERNMENT, WALES

The Local Authorities Executive Arrangements (Functions and Responsibilities) (Amendment) (Wales) Regulations 2002

Made - - - - *21st March 2002*

Coming into force - - *1st April 2002*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by sections 13, 105 and 106 of the Local Government Act 2000⁽¹⁾.

Name, commencement and application

1.—(1) These Regulations are called the Local Authorities Executive Arrangements (Functions and Responsibilities) (Amendment) (Wales) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations apply to local authorities in Wales.

Amendment to Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001

2.—(1) Schedule 1 (Functions not to be the responsibility of an authority's executive) to the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001⁽²⁾ shall be amended as follows.

(2) There shall be added to the end of paragraph 14 in Part I (Miscellaneous functions) in column (1)

“and to determine the terms and conditions on which they hold office (including procedures for their dismissal).”.

(3) In Part I (Miscellaneous functions) at the end there shall be added:

(a) in column (1):

“**17.** Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.”;

(b) in column (2):

(1) 2000 c. 22.

(2) S.I. 2001/2291 (W.179).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“section 13(2) of the Criminal Justice and Police Act 2001 (c. 16).”(3);

(c) in column (1):

“18. Power to approve Young Peoples Partnership Strategic Plans.”;

(d) in column (2):

“sections 123, 124 and 125 of the Learning and Skills Act 2000 (c. 21).”(4);

(e) in column (1):

“19. Power to approve a Children and Young Peoples Framework Partnership.”; and

(f) in column (2):

“sections 123, 124 and 125 of the Learning and Skills Act 2000.”

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

21st March 2002

D. Elis-Thomas
The Presiding Officer of the National Assembly

(3) 2001 c. 16.
(4) 2000 c. 21.
(5) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part II of the Local Government Act 2000 provides for the discharge of a local authority's functions by an executive of the authority (which must take one of the forms specified in section 11(2) to (5) of the Act) unless those functions are specified as functions that are not the responsibility of the authority's executive.

The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 ("the 2001 Regulations") specified a number of functions that are not to be the responsibility of an authority's executive or are to be the responsibility of such an executive only to a limited extent or only in specified circumstances. These Regulations specify an additional function as one not to be the responsibility of an executive.

Regulation 2 makes an amendment to Schedule 1 to the 2001 Regulations. There is additional wording (at paragraph 14) in relation to the appointment of staff to clarify that determination of terms and conditions (including procedures for dismissal) are not to be the responsibility of the executive of a local authority. The amendment inserts reference to section 13 of the Criminal Justice and Police Act 2001. This amendment means that the power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to section 13(2) is one that must not be exercised by the executive of a local authority. The amendment also has the same effect in respect of powers to approve Young Peoples Partnership Strategic Plans and Children and Young Peoples Framework Partnerships under sections 123 to 125 of the Learning and Skills Act 2000.