

WELSH STATUTORY INSTRUMENTS

2021 No. 1349

The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021

PART 5 **E+W**

Meetings and proceedings

Validity of proceedings **E+W**

15.—(1) The proceedings of a corporate joint committee or a sub-committee of a corporate joint committee are not invalidated by—

- (a) any vacancy in the membership of the corporate joint committee or the sub-committee;
- (b) any defect in the appointment, co-option or qualifications of the members.

(2) But paragraph (1)(a) is subject to any requirement imposed by or under any enactment or by the standing orders of the corporate joint committee whereby a function may not be exercised at a meeting unless certain requirements are met about—

- (a) the composition of the corporate joint committee or the sub-committee of the corporate joint committee;
- (b) the composition of the meeting, including requirements as to the meeting being quorate.

Commencement Information

II Reg. 15 in force at 3.12.2021, see [reg. 1\(2\)](#)

Location of meetings and admission of public and press **E+W**

16.—(1) A CJC meeting may be held—

- (a) at a location determined by the corporate joint committee;
- (b) by remote means;
- (c) partly by remote means and partly at a location determined by the corporate joint committee.

(2) A CJC meeting must be open to the public unless, and to the extent that, the public are excluded—

- (a) by virtue of paragraph (3), or
- (b) by resolution made under paragraph (6).

(3) The public must be excluded from a CJC meeting during an item of business if the corporate joint committee considers it is likely, in view of the nature of that business or the nature of the proceedings, that, if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence.

(4) Nothing in this Part is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

(5) For the purposes of paragraphs (3) and (4)—

(a) “confidential information” means—

(i) information furnished to a corporate joint committee by a Government department, or a principal council, upon terms (however expressed) which forbid the disclosure of the information to the public, and

(ii) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court, and

(b) consequently, the references to the obligation of confidence are to be construed accordingly.

(6) A corporate joint committee may by resolution exclude the public from a CJC meeting during an item of business if the corporate joint committee considers it is likely, in view of the nature of the business or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information.

(7) A resolution under paragraph (6) must—

(a) identify the proceedings, or the part of the proceedings, to which it applies, and

(b) state the description, in terms of Schedule 12A to the 1972 Act as applied by regulation 26, of the exempt information giving rise to the exclusion of the public.

(8) At a CJC meeting, the corporate joint committee must take all reasonable steps to ensure that accredited representatives of news media organisations are afforded reasonable facilities for reporting on proceedings and communicating reports to the organisation.

(9) Nothing in this regulation requires a corporate joint committee to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place (but see section 46 of the 2021 Act (electronic broadcasts of meetings) as amended by regulation 27).

(10) This regulation is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

Commencement Information

I2 Reg. 16 in force at 3.12.2021, see [reg. 1\(2\)](#)

Notice of meetings and summons to attend **E+W**

17.—(1) A corporate joint committee must give public notice of a CJC meeting—

(a) at least three clear days before the meeting, or

(b) if the meeting is convened at shorter notice, at the time the meeting is convened.

(2) The notice must be published electronically and must—

(a) where the meeting is called by one or more members of the corporate joint committee, specify the business proposed to be transacted at the meeting and—

(i) be signed by the members calling the meeting, or

(ii) signify the approval of those members by electronic means;

(b) where the meeting or part of the meeting is open to the public and is held through remote means only, give details of the time of the meeting and how to access it;

- (c) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and how to access it;
 - (d) where the meeting is not open to the public and is held through remote means only, give details of the time of the meeting, and the fact that it is being held through remote means only and is not open to the public;
 - (e) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, give details of the time and place of the meeting and the fact that it is not open to the public.
- (3) No later than 3 clear days before a CJC meeting or, if the meeting is convened at shorter notice, at the time the meeting is convened, a summons to attend the meeting must be sent by a proper officer to every member of the corporate joint committee by—
- (a) sending it by post to the member's place of residence or, where the member has notified the proper officer that a summons is to be sent to another address, that other address, or
 - (b) sending it electronically.
- (4) Where a CJC meeting is convened at short notice, a summons sent by post under paragraph (3) (a) must be sent in sufficient time for it to arrive in the ordinary course of post before the meeting is convened.
- (5) A summons must specify the business proposed to be transacted at the meeting.
- (6) Want of service of a summons on any member does not affect the validity of a CJC meeting.
- (7) Except in the case of—
- (a) business required by or under—
 - (i) the establishment Regulations,
 - (ii) any other enactment, or
 - (iii) standing orders,to be transacted at the annual general meeting of a corporate joint committee,
 - (b) business added to the agenda for a CJC meeting in accordance with standing orders after the summons has been sent, or
 - (c) other business brought before a CJC meeting as a matter of urgency in accordance with standing orders,
- no business may be transacted at a CJC meeting other than the business specified in the summons relating to the meeting (and see also regulation 18(6)).

Commencement Information

I3 Reg. 17 in force at 3.12.2021, see [reg. 1\(2\)](#)

Access to agenda and connected reports **E+W**

- 18.**—(1) Copies of the agenda for a CJC meeting and copies of any report for the meeting must—
- (a) be published by the corporate joint committee—
 - (i) electronically, and
 - (ii) in accordance with paragraphs (3) to (5), and
 - (b) remain accessible electronically to members of the public until the meeting has ended (see regulation 20 for provision about access to documents after a CJC meeting).

(2) If a proper officer thinks fit, there may be excluded from the copies of reports published under paragraph (1) the whole of a report which, or any part which, relates only to items during which, in the officer's opinion, the meeting is likely not to be open to the public.

(3) A document required to be published under paragraph (1) must be published at least three clear days before the meeting, or, if the meeting is convened at shorter notice, then at the time it is convened.

(4) Where an item is added to the agenda for a CJC meeting in accordance with standing orders, the corporate joint committee must, at the time the item is added, publish—

- (a) a revised agenda, or
- (b) an addendum to the agenda,

specifying the additional item.

(5) Nothing in paragraphs (3) and (4) requires a document or copies of an agenda, item or report to be published until the document or copies are available to members of the corporate joint committee.

(6) An item of business may not be considered at a CJC meeting unless either—

- (a) paragraph (1) or (4) has been complied with in respect of an agenda containing the item, or
- (b) by reason of special circumstances, which must be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

(7) Where the whole or part of a report is excluded under paragraph (2)—

- (a) every copy of the report or of the part must be marked “Not for publication”, and
- (b) if the proper officer has decided that the public is likely to be excluded from the meeting by virtue of regulation 16(6), there must be stated on every copy of the report or of the part a description, in terms of Schedule 12A to the 1972 Act as applied by regulation 26, of the exempt information by virtue of which the public is likely to be excluded during the item to which the report relates.

(8) Where a CJC meeting—

- (a) is required by regulation 16(2) to be open to the public during the proceedings or part of them, and
- (b) is not held through remote means only,

the corporate joint committee must make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.

(9) The corporate joint committee must, on request and on payment of any necessary charge for transmission, supply by electronic means for the benefit of any news media organisations—

- (a) a copy of the agenda for a CJC meeting and a copy of each of the reports for the meeting,
- (b) such further statements or particulars, if any, as are necessary to indicate the nature of the items included in the agenda, and
- (c) if a proper officer thinks fit in the case of any item, copies of any other documents supplied to members of the corporate joint committee in connection with the item.

(10) Paragraph (2) applies in relation to copies of reports provided under paragraph (8) or (9) as it applies in relation to copies of reports published under paragraph (1).

Commencement Information

I4 Reg. 18 in force at 3.12.2021, see [reg. 1\(2\)](#)

Minutes **E+W**

19.—(1) The names of the members of a corporate joint committee present at a CJC meeting must be recorded.

(2) Minutes of the proceedings of a CJC meeting must, subject to paragraph (3), be drawn up and recorded.

(3) The minutes must be approved by the person chairing the CJC meeting or the person chairing the next suitable such meeting by—

- (a) signing the minutes, or
- (b) by electronically signifying approval.

(4) Minutes purporting to be so signed or approved may be received in evidence without further proof.

(5) Until the contrary is proved, a CJC meeting the minute of whose proceedings has been recorded and signed or approved in accordance with this regulation is to be deemed to have been duly convened and held, and all those present at the meeting are to be deemed to have been duly qualified.

(6) For the purposes of paragraph (3) the next suitable CJC meeting is the next following meeting or, where standing orders provide for another meeting to be regarded as suitable, either the next following meeting or that other meeting.

Commencement Information

I5 Reg. 19 in force at 3.12.2021, see [reg. 1\(2\)](#)

Publication of minutes and other documents after meetings **E+W**

20.—(1) After a CJC meeting the corporate joint committee must—

- (a) publish the documents listed in paragraph (2) electronically, and
- (b) ensure that those documents remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting.

(2) The documents are—

- (a) the minutes, or a copy of the minutes, of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public as discloses exempt information,
- (b) where applicable, a summary under paragraph (4),
- (c) a copy of the agenda for the meeting, and
- (d) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.

(3) As soon as reasonably practicable after a CJC meeting, and in any event before the end of seven working days beginning with the day on which the meeting is held, the corporate joint committee must publish electronically a note setting out—

- (a) the names of the members who attended the meeting, and any apologies for absence;
- (b) any declarations of interest;
- (c) any decision taken at the meeting, including the outcomes of any votes, but excluding anything relating to a decision taken when the meeting was not open to the public as discloses exempt information.

(4) Where, in consequence of the exclusion of material which discloses exempt information, the documents published under paragraph (1)(a) and (3)(c) do not provide members of the public with a reasonably fair and coherent record of the whole or part of the proceedings, a proper officer must make a written summary of the proceedings or the part, as the case may be, which provides such a record without disclosing the exempt information.

Commencement Information

I6 Reg. 20 in force at 3.12.2021, see [reg. 1\(2\)](#)

Publication of background papers **E+W**

21.—(1) If and so long as copies of the whole or part of a report for a CJC meeting are required by regulation 18(1) or 20(1) to be published electronically—

- (a) those copies must each include a copy of a list, compiled by a proper officer, of the background papers for the report or the part of the report, and
- (b) each of the documents included in that list must be published electronically, but if in the opinion of a proper officer it is not reasonably practicable to publish a document included in the list electronically, the corporate joint committee must make arrangements to send a copy on request to any member of the public as soon as is reasonably practicable after a copy is requested.

(2) Where copies of documents included in the list are published under paragraph (1)(b) they must remain accessible electronically to members of the public until the expiration of the period of six years beginning with the date of the meeting.

(3) Where arrangements are made to send copies of documents included in the list to members of the public on request under paragraph (1)(b), those arrangements must remain in place until the expiration of that period of six years.

(4) Nothing in this regulation requires any document which discloses exempt information to be included in the list referred to in paragraph (1).

(5) Notwithstanding the generality of regulation 16(4), nothing in this regulation requires or authorises the inclusion in the list of any document which, if published electronically or sent to a member of the public, would disclose confidential information in breach of the obligation of confidence.

(6) In paragraph (5), “confidential information” has the same meaning as in regulation 16(5)(a) and the reference to the obligation of confidence is to be construed accordingly.

(7) For the purposes of this regulation the background papers for a report are those documents relating to the subject matter of the report which—

- (a) disclose any facts or matters on which, in the opinion of a proper officer, the report or an important part of the report is based, and
- (b) have, in the officer’s opinion, been relied on to a material extent in preparing the report, but do not include any published works.

Commencement Information

I7 Reg. 21 in force at 3.12.2021, see [reg. 1\(2\)](#)

Application to meetings of sub-committees **E+W**

22.—(1) Regulations 16 to 21 apply to a meeting of a sub-committee of a corporate joint committee as they apply to a meeting of a corporate joint committee.

(2) In the application of regulations 16 to 21 to a meeting of a sub-committee—

- (a) references to a CJC meeting are to be read as references to a meeting of the sub-committee;
- (b) regulation 16(3) is to be read as if after “corporate joint committee” there were inserted “or the sub-committee”;
- (c) the references to a corporate joint committee in regulation 16(6) are to be read as references to a sub-committee of a corporate joint committee.

(3) In the application of regulations 17 to 20 to a meeting of a sub-committee, references to a member of a corporate joint committee are to be read as references to a member of the sub-committee.

Commencement Information

18 Reg. 22 in force at 3.12.2021, see [reg. 1\(2\)](#)

Additional rights of access to documents for members of corporate joint committees and members of principal councils etc. **E+W**

23.—(1) Any document which is in the possession or under the control of a corporate joint committee and contains material relating to any business to be transacted at a CJC meeting or a meeting of a sub-committee of the corporate joint committee must, subject to paragraphs (2) and (3), be open to inspection at all reasonable hours and free of charge by—

- (a) any member of the corporate joint committee;
- (b) any member of a principal council where a senior executive member of the council is a member of the corporate joint committee;
- (c) any member of a National Park authority where a member of that authority is a member of the corporate joint committee.

(2) Paragraph (1) does not require the document to be open to inspection if it appears to a proper officer that it discloses exempt information.

(3) But, despite paragraph (2), paragraph (1) does require the document to be open to inspection if the information is information of a description for the time being falling within—

- (a) paragraph 14 of Schedule 12A to the 1972 Act as applied by regulation 26 (except to the extent that the information relates to any terms proposed or to be proposed by or to the corporate joint committee in the course of negotiations for a contract), or
- (b) paragraph 17 of that Schedule as so applied.

(4) Where a document is to be open to inspection by a person under paragraph (1) the person may, subject to paragraph (5)—

- (a) make copies of the document or parts of the document, or
- (b) require the corporate joint committee to provide a copy of the document or parts of the document,

upon payment to the corporate joint committee of such reasonable fee as may be required for the facility.

(5) Paragraph (4) does not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is a corporate joint committee, nothing done in pursuance of that paragraph constitutes an infringement of the copyright.

(6) The rights conferred by this regulation on a person are in addition to any other rights the person may have apart from this paragraph.

(7) For the purposes of paragraph (1)(b), “senior executive member” has the meaning given by section 77(4) of the 2021 Act.

Commencement Information

I9 Reg. 23 in force at 3.12.2021, see [reg. 1\(2\)](#)

Publication of additional information **E+W**

24.—(1) A corporate joint committee must maintain a register stating—

- (a) the name of every member of the corporate joint committee and its sub-committees for the time being together with an electronic and postal address for each member, to which correspondence for the member may be sent, and
- (b) the name of every other person who is entitled, in accordance with the standing orders, to speak at a CJC meeting or at a meeting of a sub-committee of the corporate joint committee together with an electronic and postal address for each such person, to which correspondence for the person may be sent.

(2) A corporate joint committee must maintain a list—

- (a) specifying those functions of the corporate joint committee and its sub-committees which, for the time being, may be discharged from time to time by members of staff of the corporate joint committee in pursuance of arrangements made under these Regulations or any other enactment, and
- (b) stating the title of the member of staff by whom each of the functions so specified is for the time being so discharged,

but this paragraph does not require a function to be specified in the list if the arrangements for its discharge by the member of staff are made for a period, not exceeding six months, specified by the corporate joint committee.

(3) A corporate joint committee must maintain a written summary of the rights—

- (a) to attend a CJC meeting or a meeting of a sub-committee of the corporate joint committee, and
- (b) to inspect and copy documents and to be supplied with copies of documents,

which are for the time being conferred by this Part and the establishment Regulations.

(4) A corporate joint committee must publish electronically—

- (a) the register maintained under paragraph (1),
- (b) the list maintained under paragraph (2), and
- (c) the summary maintained under paragraph (3).

(5) A corporate joint committee must make arrangements to send a copy of any information published under paragraph (4) on request to any member of the public as soon as is reasonably practicable after a copy is requested.

Commencement Information

I10 Reg. 24 in force at 3.12.2021, see [reg. 1\(2\)](#)

Supplemental provisions **E+W**

25.—(1) Provisions in this Part which require the publication of documents by a corporate joint committee do not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the corporate joint committee, nothing done in pursuance of those provisions constitutes an infringement of the copyright.

(2) Where any provision of this Part requires a copy of a document to be supplied to any person, a person (“P”), having the custody of a document, commits an offence if P, without reasonable excuse, refuses to furnish a copy to the person entitled to obtain it.

(3) An offence under paragraph (2) is punishable on summary conviction by a fine not exceeding level 1 on the standard scale.

(4) Where any accessible document for a CJC meeting or a meeting of a sub-committee of a corporate joint committee is—

- (a) supplied to a member of the public,
- (b) published electronically, or
- (c) supplied for the benefit of any news media organisation,

the publication thereby of any defamatory material contained in the document is privileged unless the publication is proved to be made with malice.

(5) For the purposes of paragraph (4), the “accessible documents” for a CJC meeting or a meeting of a sub-committee of a corporate joint committee are—

- (a) any copy of the agenda or of any item included in the agenda for the meeting;
- (b) any further statements or particulars for the purpose of indicating the nature of any item included in the agenda as are mentioned in regulation 18(9)(b);
- (c) any copy of a document relating to such an item which is supplied for the benefit of a news media organisation in pursuance of regulation 18(9)(c);
- (d) any copy of the whole or part of a report for the meeting;
- (e) any copy of the whole or part of any background papers for a report for the meeting;
- (f) the note required to be published under regulation 20(3).

(6) The rights conferred by this Part to inspect, copy and be furnished with documents are in addition, and without prejudice, to any such rights conferred by or under any other enactment.

Commencement Information

III Reg. 25 in force at 3.12.2021, see [reg. 1\(2\)](#)

Exempt information **E+W**

26.—(1) The descriptions of information which are, for the purposes of this Part, exempt information are those for the time being specified in Part 4 of Schedule 12A to the 1972 Act as modified in its application to this Part by paragraph (2) subject to any qualifications contained in Part 5 of that Schedule as so modified.

(2) For the purposes of paragraph (1), Parts 4 to 6 of Schedule 12A to the 1972 Act apply as if, for paragraph 22(2) of that Schedule, there were substituted—

“(2) Any reference in Parts 4 and 5 and this Part of this Schedule to “the authority” is a reference to the corporate joint committee or, as the case may be, the sub-committee of the corporate joint committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—

- (a) in the case of a corporate joint committee, to any sub-committee of the corporate joint committee, and
- (b) in the case of a sub-committee, to the corporate joint committee of which it is a sub-committee.”

Commencement Information

I12 Reg. 26 in force at 3.12.2021, see [reg. 1\(2\)](#)

Electronic broadcasts of meetings **E+W**

27. In section 46 of the 2021 Act (electronic broadcasts of meetings of certain local authorities), after subsection (7) insert—

“(7A) This section applies to a corporate joint committee as it applies to a principal council subject to the following modifications—

- (a) the references to a principal council in subsections (1), (2)(a), (5) and (6) are to be read as references to a corporate joint committee, and
- (b) subsection (2)(b) is to be treated as if it were substituted as follows—
 - “(b) a sub-committee of a corporate joint committee.””

Commencement Information

I13 Reg. 27 in force at 6.5.2022, see [reg. 1\(3\)\(b\)](#)

Remote attendance at meetings **E+W**

28. In section 47 of the 2021 Act (attendance at local authority meetings), in subsection (6), in the definition of “local authority”, after paragraph (a) insert—

“(aa) a corporate joint committee;”.

Commencement Information

I14 Reg. 28 in force at 3.12.2021, see [reg. 1\(2\)](#)

Publicity for meetings to consider reports or recommendations from the Auditor General for Wales **E+W**

29. In section 26(3A) of the Public Audit (Wales) Act 2004(1), after paragraph (b) insert—

“(ba) a corporate joint committee;”

Commencement Information

I15 Reg. 29 in force at 3.12.2021, see [reg. 1\(2\)](#)

Interpretation **E+W**

30.—(1) In this Part—

“CJC meeting” (“*cyfarfod CBC*”) means a meeting of a corporate joint committee (but see regulation 22);

“copy” (“*copi*”), in relation to any document, includes a copy made from a copy;

“exempt information” (“*gwybodaeth esempt*”) has the meaning given by regulation 26;

“information” (“*gwybodaeth*”) includes an expression of opinion, any recommendations and any decision taken;

“news media organisation” (“*sefydliad cyfryngau newyddion*”) means—

- (a) a newspaper;
- (b) any organisation which is systematically engaged in reporting news by means of—
 - (i) sound or television broadcasts, or
 - (ii) electronic publication;
- (c) a news agency which systematically carries on the business of selling and supplying reports or information to newspapers or other news media organisations;
- (d) any organisation which is systematically engaged in collecting news—
 - (i) for sound or television broadcasts;
 - (ii) for inclusion in programmes to be included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service;
 - (iii) for electronic publication;

“principal council” (“*prif gyngor*”) has the meaning given in section 171(1) of the 2021 Act;

(2) References in any provision of this Part to a “proper officer” are references to a member of staff of a corporate joint committee authorised to carry out the function of the proper officer specified in the provision in question.

(3) References in any provision of this Part to a meeting of a corporate joint committee held through “remote means” are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).

Commencement Information

I16 Reg. 30 in force at 3.12.2021, 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 2021, PART 5.