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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 3 E+W**

**Overview and Scrutiny**

*Duties in relation to overview and scrutiny*

**Duty to co-operate on overview and scrutiny E+W**

- 8.—(1) This Regulation applies where—
- (a) a relevant overview and scrutiny committee (“the committee”) makes a report or recommendations under section 21(2)(e) of the 2000 Act, and
  - (b) the report or recommendations relate to the exercise of a function of a corporate joint committee.
- (2) The corporate joint committee must co-operate with the committee and give it such reasonable assistance as it requests in connection with the exercise of its functions.
- (3) Assistance provided under paragraph (2) may include—
- (a) arranging for a member of the corporate joint committee to attend and answer questions at a meeting of the committee;
  - (b) arranging for a member of the staff of the corporate joint committee to attend and answer questions at a meeting of the committee;
  - (c) providing information;
  - (d) providing copies of documents in the possession or under the control of the corporate joint committee.
- (4) Where the committee requests that the corporate joint committee provides confidential or exempt information, or a copy of any document or part of a document that contains confidential or exempt information, paragraph (2) does not require the corporate joint committee to provide such information or document to the committee unless the information is relevant.
- (5) For the purposes of paragraph (4) information is relevant if a proper officer of the corporate joint committee determines that the information—
- (a) relates to an action or decision that is being reviewed or scrutinised by the committee, or
  - (b) is relevant to any review contained in any programme of work of the committee.
- (6) Nothing in this regulation permits the disclosure of confidential or exempt information by an overview and scrutiny committee other than may be authorised by any other enactment.
- (7) For the purposes of this regulation a “relevant overview and scrutiny committee”, in relation to a corporate joint committee is—

- (a) an overview and scrutiny committee appointed by a constituent council under section 21(2) of the 2000 Act;
- (b) a joint overview and scrutiny committee appointed under the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013<sup>(1)</sup> where the appointing authorities are constituent councils of the corporate joint committee;
- (c) a sub-committee of a committee described in paragraph (a) or (b).

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#### Commencement Information

**11** Reg. 8 in force at 15.7.2022, see [reg. 1\(2\)](#)

#### Duty to have regard **E+W**

- 9.**—(1) This regulation applies where—
- (a) regulation 8 applies, and
  - (b) the committee publishes the report or recommendation under—
    - (i) section 21B(2) of the 2000 Act;
    - (ii) regulation 13(2) of the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.
- (2) The corporate joint committee must—
- (a) consider the report or recommendation, and
  - (b) publish a statement setting out the steps it intends to take in light of the report or recommendation in exercising its functions.
- (3) A statement under paragraph (2)(b) must be published before the end of the period of 2 months beginning with the day the report by the committee is published.
- (4) Regulation 13 of the Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (discharge of functions by other persons)<sup>(2)</sup> does not apply to the duty imposed by paragraph (2)(a).

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#### Commencement Information

**12** Reg. 9 in force at 15.7.2022, see [reg. 1\(2\)](#)

#### Exempt Information **E+W**

**10.**—(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 Local Government Act 1972 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 Local Government Act 1972 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—

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(1) S.I. 2013/1050 (W. 112).

(2) S.I. 2021/1349 (W. 348).

- (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**

**I3** Reg. 10 in force at 15.7.2022, see [reg. 1\(2\)](#)

*Governance and audit sub-committees*

**Appointment of a chairperson and deputy** **E+W**

**11.**—(1) A governance and audit sub-committee of a corporate joint committee must appoint—

- (a) a chairperson, and
- (b) a deputy chairperson.

(2) The chairperson and the deputy chairperson must be appointed from among the members of the governance and audit sub-committee.

(3) The member appointed as the chairperson may not also be a member of a county council or county borough council in Wales.

**Commencement Information**

**I4** Reg. 11 in force at 15.7.2022, see [reg. 1\(2\)](#)

**Proceedings etc.** **E+W**

**12.**—(1) A meeting of the governance and audit sub-committee of a corporate joint committee (“the sub-committee”) is to be chaired—

- (a) by the chairperson, or
- (b) if the chairperson is absent, the deputy chairperson.

(2) If both the chairperson and the deputy chairperson are absent the sub-committee may appoint another of its members to chair the meeting.

(3) All members of the sub-committee may vote on any question that falls to be decided by the sub-committee.

(4) The sub-committee may—

- (a) require members and members of staff of the corporate joint committee to attend before it to answer questions, and
- (b) may invite other persons to attend meetings of the sub-committee.

(5) It is the duty of any member or member of staff of the corporate joint committee to comply with any requirement imposed under paragraph (4)(a).

(6) But a person is not obliged under paragraph (5) to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.

#### Commencement Information

**I5** Reg. 12 in force at 15.7.2022, see [reg. 1\(2\)](#)

#### Frequency of governance and audit sub-committee meetings **E+W**

**13.**—(1) The governance and audit sub-committee of a corporate joint committee (“the sub-committee”) must meet once in every calendar year.

(2) The sub-committee must also meet if—

- (a) the corporate joint committee resolves that the sub-committee should meet, or
- (b) at least one-third of the members of the sub-committee requisition a meeting by one or more notices in writing given to the chairperson.

(3) It is the duty of the person who chairs the sub-committee to secure that meetings of the sub-committee are held as required by paragraphs (1) and (2).

(4) This regulation does not prevent the sub-committee from meeting otherwise than as required by this regulation.

#### Commencement Information

**I6** Reg. 13 in force at 15.7.2022, see [reg. 1\(2\)](#)

*Interpretation etc.*

#### Interpretation of this Part **E+W**

**14.** In this Part—

“confidential information” (“*gwybodaeth gyfrinachol*”) means—

- (a) information furnished to the corporate joint committee by the Welsh Ministers upon terms (however expressed) which forbid the disclosure of the information to the public, and
- (b) information the disclosure of which to the public is prohibited by or under any enactment or by order of a court,

and in either case a reference to the obligation of confidence is to be construed accordingly;

“constituent council” (“*cyngor cyfansoddol*”) in relation to a corporate joint committee means a constituent council as set out in the regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing that corporate joint committee;

“exempt information” (“*gwybodaeth esempt*”) has the meaning given in regulation 10;

“governance and audit sub-committee” (“*is-bwyllgor llywodraethu ac archwilio*”) in relation to a corporate joint committee, means the sub-committee of that name appointed by the corporate joint committee under regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.

#### Commencement Information

**I7** Reg. 14 in force at 15.7.2022, see [reg. 1\(2\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022, PART 3. (See end of Document for details)

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There are currently no known outstanding effects for the The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2022, PART 3.