

Statutory Instruments with Clear Reports

11 October 2021

SL(6)055 – The General Power of Competence (Commercial Purpose) (Conditions) (Wales) Regulations 2021

Procedure: Affirmative

The [General Power of Competence \(Commercial Purpose\) \(Conditions\) \(Wales\) Regulations 2021](#) (“the Regulations”) are made by the Welsh Ministers in exercise of the powers conferred upon them by sections 28(4), 28(5)(b) and 28(6)(c) of the Local Government and Elections (Wales) Act 2021.

The Regulations prescribe additional conditions that a principal council must meet before exercising the general power of competence to do things for a commercial purpose. A principal council must prepare and approve a business case in support of the proposed exercise of the power. In addition, a principal council is required to publish any business case approved in accordance with the Regulations, as soon as reasonably practicable. The principal council is also required to recover any costs incurred by it in anything it supplies to a company through which the general power is exercised for a commercial purpose, from that company.

The Welsh Ministers have consulted with such organisations and persons that are likely to be affected by these Regulations.

The Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021, which was made on 3 March, brings the general power into force for principal councils on 1 November 2021. These Regulations come into force on the same date.

Parent Act: Local Government and Elections (Wales) Act 2021

Date Made:

Date Laid:

Coming into force date: 01 November 2021



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
Legislation, Justice and Constitution Committee

SL(6)057 – The Scheduled Monuments (Heritage Partnership Agreements) (Wales) Regulations 2021

Procedure: Affirmative

The Historic Environment (Wales) Act 2016 (“the 2016 Act”) amended the Ancient Monuments and Archaeological Areas Act 1979 (“the 1979 Act”) by introducing heritage partnership agreements for scheduled monuments in Wales¹.

A heritage partnership agreement is a voluntary arrangement for the long term management of one or more designated historic assets. In relation to scheduled monuments, such agreements may be entered into between the Welsh Ministers and the owner of a scheduled monument in Wales or the owner of land adjoining, or in the vicinity of, a scheduled monument.

Although the legislative framework for heritage partnership agreements was set out in the 2016 Act, it required the Welsh Ministers to make further provision (through regulations) regarding the content of such agreements and the procedures for agreeing and terminating them.

These [Regulations](#) make specific provision regarding heritage partnership agreements for scheduled monuments in Wales, supplementing the provisions of the 1979 Act.

Parent Act: Ancient Monuments and Archaeological Areas Act 1979

Date Made:

Date Laid:

Coming into force date: 01 January 2022

¹ The 2016 Act also introduced heritage partnership agreements for listed buildings. These are covered in the Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021, which have been laid by the Welsh Government.

