

SL(6)110 - The Eligible Community Councils (General Power of Competence) (Qualifications of Clerks) (Wales) Regulations 2021

Background and Purpose

These [Regulations](#) are made by the Welsh Ministers in exercise of the power conferred on them by section 30(3) of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”).

These Regulations specify the qualifications that the clerk to a community council must hold in order for the community council to meet one of the three eligibility conditions to become an ‘eligible community council’ under section 30 of the 2021 Act, enabling the council to exercise the general power of competence. The clerk of a community council must hold at least one of the following qualifications:

- a Certificate in Local Council Administration (CiLCA)
- a Certificate of Higher Education in Community Governance
- a Certificate of Higher Education in Community Engagement and Governance; and
- a Certificate of Higher Education in Local Policy.

The Regulations come into force on 5 May 2022.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues or public policy likely to be of interest to the Senedd.



The Committee note that a new Regulatory Impact Assessment (RIA) has not been prepared as part of the Regulations. The likely costs and benefits of complying with the Regulations were assessed as part of the [RIA](#) for the 2021 Act (pp 125-126). The Welsh Government's Explanatory Memorandum provides that following a review of the RIA, it remained robust aside from one further cost being identified. On that basis, it was not considered necessary to carry out a new RIA. The Explanatory Memorandum further provides that:

"There is one addition to the RIA to the 2021 Act, specifically relating to paragraphs 10.56 to 10.61. It emerged during consultation that there was not full bilingual provision for the training and assessment of the Certificate in Local Council Administration (CiLCA). Bilingual provision enables clerks to undertake CiLCA in the language of their choice and supports the objectives of the Cymraeg 2050 Welsh language strategy to increase usage of the language. Securing the relevant translated materials and access to Welsh speaking assessors will cost £7,000 in the 2021-22 financial year. This cost will be met by Welsh Government."

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

21 December 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee