

Government Response: The Corporate Joint Committees (Transport Functions) (Consequential Modifications and Transitional Provisions) (Wales) Regulations 2022

Technical Scrutiny point : It is noted that the Regulations at various points refer to Section 108(2A)(a) of the Transport Act 2000, which relates to the development of relevant policies (as opposed to Paragraph 108(2A)(b), which relates to the implementation of those policies). Where such references are made, they are intended to refer specifically to section 108(2A)(a) of the Transport Act 2000, which provides that each local transport authority whose area is in Wales must develop policies for the implementation in their area of the Wales Transport Strategy. However, the Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021 (SI 2021/328) modify the Transport Act 2000 where the function of developing policies under section 108(1)(a) and (2A)(a) of the Transport Act 2000 in respect of the area of a local transport authority is conferred on a corporate joint committee.

Regulation 2(2)(Interpretation) provides for this via providing for how references to a modified provision of the 2000 Act in the Regulations should be read.

While the unmodified section 108(2A) of the Transport Act 2000 includes section 108(2A)(a) and (b), the modified section 108(2A) does not have paragraphs within it. In consequence, it is considered correct to refer to modified section 108(2A) as opposed to modified section 108(2A)(a) where such references are made in regulations 4(4) and (5). In addition, the reference to section 108(2A) in the first paragraph of the Schedule is a reference to the modified section 108(2A).

The Welsh Government concedes that, for the sake of consistency, the reference in regulation 4(4) to any policies developed by a constituent council under section 108(2A) could have been drafted to specifically refer to section 108(2A)(a). However, there is only one reference to the development of policies in section 108(2A) and accordingly it is considered that the meaning of the provision is clear.

Merits Scrutiny : No points were identified.