

Government Response: The Local Government Finance (Consequential and Miscellaneous Amendments and Revocations) (Secondary Legislation) (Wales) Regulations 2024

Technical Scrutiny point 1: The Welsh Government accepts that the power in section 54(1) of the Local Government (Wales) Act 1994 was not in fact transferred to the National Assembly for Wales (as it was referred to at the time) and subsequently to the Welsh Ministers.

This enabling power was cited to make the provision in regulation 11(4), namely to omit article 10 of the Local Government Reorganisation (Wales) (Finance) (Miscellaneous Amendments and Transitional Provisions) Order 1996. This article amended section 86 of the Local Government and Housing Act 1989, which was subsequently repealed by section 131 of the Housing (Wales) Act 2014. Accordingly, the amendment made by article 10 no longer has effect.

The intention was to omit article 10 for accessibility purposes, however, regulation 11(4) has no effect and therefore article 10 continues to exist. This article remaining on the statute book has no impact in practice.

The remainder of the 2024 Regulations is intra vires.

Technical Scrutiny point 3: The Welsh Government is content that the drafting of regulation 23 achieves the intended effect.

In relation to the reference to “Schedule 1”, as there is only one Schedule to the Local Government (Non-Domestic Rating) (Consequential Amendments) (England) Order 2008, the Welsh Government considers that it is clear which Schedule is referred to.