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WELSH STATUTORY INSTRUMENTS

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**2015 No. 1025 (W. 74) (C. 70)**

**LOCAL GOVERNMENT, WALES**

**The Local Government Byelaws (Wales) Act  
2012 (Commencement No. 2, Transitional  
Provisions and Savings) Order 2015**

*Made* - - - - *25 March 2015*

The Welsh Ministers make the following Order in exercise of the powers conferred on them by section 22(2) and (3) of the Local Government Byelaws (Wales) Act 2012(1).

**Title and interpretation**

1.—(1) The title of this Order is the Local Government Byelaws (Wales) Act 2012 (Commencement No. 2, Transitional Provisions and Savings) Order 2015.

(2) In this Order—

- (a) “the 2012 Act” (“*Deddf 2012*”) means the Local Government Byelaws (Wales) Act 2012; and
- (b) “the 1972 Act” (“*Deddf 1972*”) means the Local Government Act 1972(2).

**Appointed day**

2. 31 March 2015 is the appointed day for the coming into force of the following provisions of the 2012 Act—

- (a) section 1 (overview);
- (b) section 2 (byelaws for good rule and government and suppression of nuisances);
- (c) section 3 (meaning of “legislating authority”);
- (d) section 4 (revocation by a legislating authority);
- (e) section 5 (revocation by the Welsh Ministers);
- (f) section 6 (byelaws not requiring confirmation) and Part 1 of Schedule 1;
- (g) section 7 (byelaws requiring confirmation);
- (h) section 8 (formalities, commencement and publication of byelaws);

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(1) 2012 anaw 2.  
(2) 1972 c. 70.

- (i) section 10 (offences against byelaws);
- (j) section 11 (section 2 byelaws; powers of seizure etc);
- (k) section 12 (power to offer fixed penalties for offences against certain byelaws) in so far as it is not already commenced and Part 2 of Schedule 1;
- (l) section 13 (amount of fixed penalty) in so far as it is not already commenced;
- (m) section 14 (power to require name and address in connection with fixed penalty);
- (n) section 15 (use of fixed penalty receipts);
- (o) section 17 (Community Support Officers etc);
- (p) section 18 (guidance) in so far as it is not already commenced;
- (q) section 19 (evidence of byelaws); and
- (r) section 20 (consequential amendments) and paragraphs 1 to 8, 9(1) to (3), (5) and 10 to 18 of Schedule 2.

### **Transitional provisions and savings**

**3.—**(1) Despite the coming into force of sections 2, 4, 6, 7, 8 and 20 of, and Schedules 1 and 2 to, the 2012 Act—

- (a) sections 2, 4, 6 and 7(3) to (9) and 8(3) of, and Schedule 2 to that Act do not apply to byelaws described in paragraph (2); and
- (b) section 236(3), (4) to (7) and (11)(3) of the 1972 Act apply to byelaws described in that paragraph.

(2) This paragraph applies to byelaws to which sections 235, 236 and 236B of the 1972 Act apply if before the appointed day—

- (a) one or more of the following steps has been taken in relation to them—
  - (i) the legislating authority by whom the byelaws are made has given notice, pursuant to section 236(4) of the 1972 Act, of its intention to apply for confirmation of the byelaws in one or more local newspapers circulating in the area to which the byelaws are to apply; or
  - (ii) a copy of the byelaws has been deposited, pursuant to section 236(5) of the 1972 Act, at the offices of the legislating authority by whom they are made; and
- (b) the confirming authority(4) has not confirmed the byelaw; or
- (c) the confirming authority has confirmed the byelaw but the byelaw has not yet come into operation.

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(3) Subsection (1) of section 236 of the 1972 Act was amended by section 84 of, and paragraph 31(1) of Schedule 14 to, the Local Government Act 1985 (c. 51). Subsection (3) of section 236 of the 1972 Act was amended by S.I. 2001/3719. Subsection (9) of that section was amended, and subsection (10A) of that section was inserted, by paragraph 50 of Schedule 15 to the Local Government (Wales) Act 1994 (c. 19). There are other amendments to section 236 of the 1972 Act which are not relevant to this Order.

(4) See section 236(11) of the 1972 Act for the meaning of “confirming authority”. The function of the Secretary of State in this section is exercised concurrently with the National Assembly for Wales in accordance with the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2, Schedule 1. This function of the National Assembly for Wales has been further transferred to the Welsh Ministers by virtue of the operation of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

25 March 2015

*Leighton Andrews*  
Minister for Public Services, one of the Welsh  
Ministers

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is made under section 22(2) and (3) of the Local Government Byelaws (Wales) Act 2012 (“the 2012 Act”). It is the second commencement order to be made under the 2012 Act.

Article 2 of the Order provides that 31 March 2015 is the appointed day for the bringing into force of the provisions of the 2012 Act set out in that article and referred to below:

- section 1 (overview);
- section 2 (byelaws for good rule and government and suppression of nuisances);
- section 3 (meaning of “legislating authority”);
- section 4 (revocation by a legislating authority);
- section 5 (revocation by the Welsh Ministers);
- section 6 (byelaws not requiring confirmation) and Part 1 of Schedule 1;
- section 7 (byelaws requiring confirmation);
- section 8 (formalities, commencement and publication of byelaws);
- section 10 (offences against byelaws);
- section 11 (section 2 byelaws; powers of seizure etc);
- section 12 (power to offer fixed penalties for offences against certain byelaws) in so far as it is not already commenced and Part 2 of Schedule 1;
- section 13 (amount of fixed penalty) in so far as it is not already commenced;
- section 14 (power to require name and address in connection with fixed penalty);
- section 15 (use of fixed penalty receipts);
- section 17 (Community Support Officers etc);
- section 18 (guidance) in so far as it is not already commenced;
- section 19 (evidence of byelaws); and
- section 20 (consequential amendments) and Schedule 2 but not paragraph 9(4) of that Schedule.

Article 3 makes transitional provisions and savings in respect of byelaws in relation to which one or more of the steps described in article 3(2)(a) have been taken before the appointed day.

Sections 18(1) (guidance), 21 (orders and regulations), 22 (commencement), and 23 (short title) of the 2012 Act came into force on 30 November 2012.

The following provisions of the 2012 Act have been brought into force in relation to Wales by commencement order made before the date of this Order:

Provision	Date of Commencement	S.I. No.
section 9 (power to amend Part 1 of Schedule 1 to the 2012 Act)	15 August 2014	<a href="#">S.I. 2014/2121 (W. 207)</a>
section 12(13) (power to make regulations to prescribe conditions to be satisfied by	15 August 2014	<a href="#">S.I. 2014/2121 (W. 207)</a>

<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I. No.</b>
a person before a community council may authorise the person to give fixed penalty notices under the 2012 Act)		
section 13(3) (power to make regulations in connection with the amount of fixed penalties)	15 August 2014	<a href="#">S.I. 2014/2121 (W. 207)</a>
section 13(4) (power to require the amount of a fixed penalty to fall within a prescribed range and to restrict the extent to which, and the circumstances in which, an authority can make provision under section 13(1)(b) of the 2012 Act)	15 August 2014	<a href="#">S.I. 2014/2121 (W. 207)</a>
section 16 (power to amend Part 2 of Schedule 1 to the 2012 Act)	15 August 2014	<a href="#">S.I. 2014/2121 (W. 207)</a>