WELSH STATUTORY INSTRUMENTS

2009 No. 2578 (W.209)

LOCAL GOVERNMENT, WALES

The Local Authorities (Case and Interim Case Tribunals and Standards Committees) (Amendment) (Wales) Regulations 2009

Made - - - -	*19 September 2009*
Laid before the National Assembly for Wales - -	*25 September 2009*
Coming into force - -	*19 October 2009*

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon the National Assembly for Wales by sections 73, 77(4) and 105 of the Local Government Act 2000(**1**) and now vested in them(**2**), and after consultation with the Administrative Justice and Tribunals Council in accordance with paragraph 24 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007(**3**):

Title, commencement and application

1.—(1) The title of these Regulations is The Local Authorities (Case and Interim Case Tribunals and Standards Committees) (Amendment) (Wales) Regulations 2009 and they come into force on 19 October 2009.

(2) These Regulations apply to a hearing by—

(a) a case tribunal or an interim case tribunal under the Case Tribunal Regulations; and

(b) a standards committee under the Standards Committees Regulations,

which begins on or after 19 October 2009.

Interpretation

2. In these Regulations—

"the Case Tribunals Regulations" ("*Rheoliadau'r Tribiwnlys Achos*") means the Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001(**4**);

(**1**) 2000 c. 22.
(**2**) By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32) the functions formerly exercisable by the National Assembly for Wales are now vested in the Welsh Ministers.
(**3**) 2007 c. 15.
(**4**) S.I. 2001/2288 (W.176) as amended by S.I. 2006/362 (W.48).

"the Standards Committees Regulations" ("*Rheoliadau'r Pwyllgorau Safonau*") means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001(**5**).

Amendment of the Standards Committees Regulations

3. The Standards Committees Regulations are amended in accordance with regulation 4.

4.—(1) In regulation 4(4)(b), for "National Assembly for Wales" substitute "Welsh Ministers".

(2) For regulation 8(2) and (3) substitute—

"(2) Paragraphs (3) to (3D) apply—

(a) in respect of the Public Services Ombudsman for Wales in the case of an investigation undertaken by the Public Services Ombudsman for Wales and referred to the monitoring officer of the relevant authority under section 71(2) of the 2000 Act; and

(b) in respect of the monitoring officer of the relevant authority in the case of an investigation referred to the monitoring officer under section 70(4) of the 2000 Act.

(3) The Public Services Ombudsman for Wales and the monitoring officer are entitled to attend before the Standards Committee for the purposes of—

(a) presenting the report and/or explaining any of the matters in it; and

(b) otherwise playing such part or assisting the Standards Committee as the Standards Committee considers appropriate.

(3A) The Standards Committee may request the Public Services Ombudsman for Wales or the monitoring officer to attend before it for the purposes of—

(a) presenting the report and/or explaining any of the matters in it; and

(b) otherwise playing such part or assisting the Standards Committee as the Standards Committee considers appropriate.

(3B) A request under paragraph (3A) must not be unreasonably refused and if such request is refused the Public Services Ombudsman for Wales or monitoring officer must give reasons in writing to the Standards Committee for not complying with the request to attend.

(3C) The attendance shall be when the Standards Committee of the relevant authority is considering any representations made by the person who is the subject of the investigation or, if no such representations are made, at any reasonable time.

(3D) The Public Services Ombudsman for Wales and monitoring officer may be represented by counsel or a solicitor.".

(3) In regulation 10(2), for "Local Government Modernisation Division National Assembly for Wales Cathays Park Cardiff CF10 3NQ" substitute—

"The President

Adjudication Panel for Wales

Welsh Assembly Government

Cathays Park

Cardiff

(**5**) S.I. 2001/2281(W.171) as amended by S.I. 2005/761 (W.65), 2005/2929 (W.214) and 2006/362 (W.48).