



# Local Government Byelaws (Wales) Act 2012

2012 anaw 2

An Act of the National Assembly for Wales to make provision for the powers of county councils, county borough councils, community councils and other public bodies to make byelaws; the procedure for making byelaws; the enforcement of byelaws; and for connected purposes. [29 November 2012]

**Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:**

## *Introduction*

### **1 Overview**

This Act –

- (a) reforms procedures for making byelaws in Wales, including removing a requirement for confirmation of byelaws by the Welsh Ministers;
- (b) enables certain byelaws to be enforced by fixed penalty notices;
- (c) requires authorities that make byelaws to have regard to any guidance given by the Welsh Ministers on procedure;
- (d) restates for Wales a general power to make byelaws.

#### **Commencement Information**

**II** [S. 1](#) in force at 31.3.2015 by [S.I. 2015/1025](#), [art. 2\(a\)](#)

*Changes to legislation: Local Government Byelaws (Wales) Act 2012 is up to date with all changes known to be in force on or before 07 May 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### *Power to make byelaws*

## **2 Byelaws for good rule and government and suppression of nuisances**

- (1) A council for a county or county borough in Wales may make byelaws –
  - (a) for the good rule and government of the whole or any part of its area;
  - (b) for the prevention and suppression of nuisances in its area.
- (2) But byelaws may not make provision which –
  - (a) is made by an Act of Parliament, Assembly Measure or Act of the Assembly;
  - (b) is made, or could be made, by subordinate legislation (which means legislation made by statutory instrument).

#### **Commencement Information**

**I2** S. 2 in force at 31.3.2015 by S.I. 2015/1025, art. 2(b) (with art. 3)

### *Interpretation*

## **3 Meaning of “legislating authority”**

Each of the following is a legislating authority for the purposes of this Act –

- (a) a council for a county or county borough in Wales;
- (b) a community council;
- (c) a National Park authority in Wales;
- (d) the [<sup>F1</sup>Natural Resources Body for Wales].

#### **Textual Amendments**

**F1** Words in s. 3(d) substituted (21.5.2016) by Environment (Wales) Act 2016 (anaw 3), s. 88(2)(g), Sch. 2 para. 30(2)

#### **Commencement Information**

**I3** S. 3 in force at 31.3.2015 by S.I. 2015/1025, art. 2(c)

### *Revocation of byelaws*

## **4 Revocation by a legislating authority**

- (1) A legislating authority may make a byelaw to revoke a byelaw previously made by it.
- (2) But this power may be exercised only where the authority has no other power to revoke the byelaw.

#### **Commencement Information**

**I4** S. 4 in force at 31.3.2015 by S.I. 2015/1025, art. 2(d) (with art. 3)

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## 5 Revocation by the Welsh Ministers

- (1) The Welsh Ministers may by order revoke any byelaw made by a legislating authority which they conclude is obsolete.
- (2) Before making an order, the Welsh Ministers must consult any person (including a community council) who they think is likely to be interested in, or affected by, the revocation of the byelaw.
- (3) An order may make different provision for different areas, including different provision for different localities and for different authorities.

### Commencement Information

**I5** S. 5 in force at 31.3.2015 by S.I. 2015/1025, art. 2(e)

### *Procedure for byelaws*

## 6 Byelaws not requiring confirmation

- (1) This section applies to byelaws made by a legislating authority under the enactments listed in Part 1 of Schedule 1, including byelaws which amend or revoke byelaws previously made by it.
- (2) Before it makes a byelaw, an authority must –
  - (a) publish on the authority's website an initial written statement which describes the issue which the authority thinks may be addressed by making a byelaw;
  - (b) consult any person (including, where applicable, a community council) who the authority thinks is likely to be interested in, or affected by, the issue.
- (3) Following the consultation, the authority must consider the responses and decide whether making a byelaw is the most appropriate way of addressing the issue.
- (4) The authority must then publish on its website a second written statement which contains –
  - (a) the initial written statement;
  - (b) a summary of the consultation and the responses;
  - (c) its decision;
  - (d) the reasons for that decision.
- (5) At least six weeks before the byelaw is made, notice of the intention to make the byelaw must be published –
  - (a) in one or more local newspapers circulating in the area to which the byelaw is to apply;
  - (b) on the authority's website.
- (6) For at least six weeks before making the byelaw, the authority must ensure that –
  - (a) a draft of the byelaw is published on the authority's website;
  - (b) a copy of the draft is deposited at a place in the authority's area;
  - (c) a copy is open to public inspection at all reasonable hours without payment;
  - (d) where applicable, a copy is sent to all community councils whose areas the authority thinks are likely to be affected by the byelaw.

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- (7) The authority must give a copy of the draft byelaw to any person who applies for it, subject to that person paying such reasonable fee charged by the authority (if any).
- (8) An authority may not make a byelaw later than six months after the date of the notice under subsection (5).

#### Commencement Information

**I6** S. 6 in force at 31.3.2015 by S.I. 2015/1025, art. 2(f) (with art. 3)

## 7 Byelaws requiring confirmation

- (1) This section applies to byelaws made by a legislating authority under any enactment other than those listed in Part 1 of Schedule 1, including byelaws which amend or revoke byelaws previously made by it.
- (2) But this section does not apply to the extent that the enactment conferring the power to make a byelaw makes different provision in relation to one or more of the following –
  - (a) a requirement to submit byelaws for confirmation;
  - (b) publication of a notice of intent to make the byelaw;
  - (c) publication of the byelaw;
  - (d) making copies of the byelaw available.
- (3) Before it makes a byelaw to which this section applies, an authority must –
  - (a) publish on the authority's website an initial written statement which describes the issue which the authority thinks may be addressed by making a byelaw;
  - (b) consult any person (including, where applicable, a community council) who the authority thinks is likely to be interested in, or affected by, the issue.
- (4) Following the consultation, the authority must consider the responses and decide whether making a byelaw is the most appropriate way of addressing the issue.
- (5) The authority must then publish on its website a second written statement which contains –
  - (a) the initial written statement;
  - (b) a summary of the consultation and the responses;
  - (c) its decision;
  - (d) the reasons for that decision.
- (6) Byelaws made by the legislating authority must be submitted to the confirming authority and do not have effect unless and until they are confirmed by the confirming authority.
- (7) At least six weeks before the byelaw is submitted for confirmation, notice of the legislating authority's intention to do so must be published –
  - (a) in one or more local newspapers circulating in the area to which the byelaw is to apply;
  - (b) on the authority's website.
- (8) For at least six weeks before the byelaw is submitted for confirmation, the legislating authority must ensure that –
  - (a) the byelaw is published on the authority's website;

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- (b) a copy of the byelaw is deposited at a place in the authority's area (and, in the case of a byelaw made by the [<sup>F2</sup>Natural Resources Body for Wales] under the National Parks and Access to the Countryside Act 1949, at a place in the area of each council of a county or county borough to whose area the byelaw applies);
  - (c) where applicable, a copy is sent to all community councils whose area the authority thinks is likely to be affected by the byelaw;
  - (d) a copy is open to public inspection at all reasonable hours without payment.
- (9) The legislating authority must give a copy of the byelaw to any person who applies for it, subject to that person paying such reasonable fee charged by the authority (if any).
- (10) The confirming authority may confirm, or refuse to confirm, any byelaw submitted to it under this section.
- (11) For the purposes of this Act, the confirming authority is –
- (a) the person specified in the enactment under which the byelaws are made as the person who is to confirm the byelaws, or
  - (b) if no person is specified, the Welsh Ministers.
- (12) The functions of the Welsh Ministers under subsection (11)(b) are exercisable concurrently with the Secretary of State.

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**Textual Amendments**

- F2** Words in s. 7(8)(b) substituted (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(g), [Sch. 2 para. 30\(3\)](#)
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**Commencement Information**

- I7** S. 7 in force at 31.3.2015 by [S.I. 2015/1025](#), [art. 2\(g\)](#) (with [art. 3](#))

## 8 Formalities, commencement and publication of byelaws

- (1) This section applies to byelaws made by a legislating authority under any enactment.
- (2) But this section does not apply to the extent that the enactment conferring the power to make the byelaw makes different provision in relation to one or more of the following –
- (a) signature or sealing of the byelaw;
  - (b) publication of the byelaw;
  - (c) making copies of the byelaw available.
- (3) Byelaws made by a legislating authority must be made under the common seal of the authority, or, in the case of byelaws made by a community council not having a seal, signed by two members of the council.
- (4) Byelaws come into effect on the date fixed by the legislating authority, or if they require confirmation, by the confirming authority. If no date is fixed, they come into effect at the end of one month from the date they are made (or confirmed, as applicable).
- (5) The legislating authority which makes the byelaw must –
- (a) publish the byelaw on the authority's website when made, or if it requires confirmation, when confirmed;