

LOCAL GOVERNMENT (WALES) BILL –STAGE 3 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Leighton Andrews AM on 18 September 2015.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
22.	Section 10, page 6, line 25, after 'liabilities' insert '(including criminal liabilities)'.	Adran 10, tudalen 6, llinell 25, ar ôl 'rwymedigaethau', mewnosoder '(gan gynnwys rhwymedigaethau troseddol)'.	<p>The purpose of this amendment is to amend section 10 of the Bill to add criminal liabilities to the list of matters about which supplementary, incidental, consequential, transitional or saving provision may be made in voluntary merger regulations and regulations made under this section.</p> <p>The effect of the amendment is to make clear that merger regulations and regulations made under this section may provide for the transfer of criminal liabilities from existing Local Authorities to new Authorities.</p>
23.	Section 10, page 6, line 27, leave out 'legal' and insert 'civil or criminal'.	Adran 10, tudalen 6, llinell 27, hepgorer 'cyfreithiol' a mewnosoder 'sifil neu droseddol'.	<p>The purpose of this amendment is to amend section 10 of the Bill so that supplementary, incidental, consequential, transitional or saving provision made in voluntary merger regulations and regulations made under this section may provide for criminal or civil proceedings commenced by or against a merging authority to be continued by or against the new Authority.</p> <p>This amendment is linked to amendment 22 the effect being to put beyond doubt that criminal liability may be transferred from an existing Principal Local Authority to the new Principal Local Authority created</p>

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
			through merger regulations.
24.	Section 10, page 7, line 4, leave out 'Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246)' and insert 'provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), apart from regulations 4(6) and 10,'.	Adran 10, tudalen 7, llinell 4, hepgorer 'Rheoliadau Trosglwyddo Ymgyniadau (Diogelu Cyflogaeth) 2006 (O.S. 2006/246)' a mewnosoder 'darpariaethau Rheoliadau Trosglwyddo Ymgyniadau (Diogelu Cyflogaeth) 2006 (O.S. 2006/246), ar wahân i reoliadau 4(6) a 10,'.	<p>The purpose of the amendment is to amend section 10 of the Bill so that regulation 4(6) and regulation 10 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I.2006/246) ("TUPE regulations") do not apply to transfers made under merger regulations.</p> <p>TUPE Regulation 4(6) prevents a transferor's criminal liabilities in respect of a contract of employment from transferring to the transferee (i.e. from the abolished authority to the new one). The effect of this amendment is to dis-apply TUPE regulation 4(6) in respect of transfers made under merger regulations and so enable criminal liability in respect of contracts of employment to transfer. This is in line with amendments 14 and 15 concerning transfer of criminal liability and continuation of criminal proceedings.</p> <p>By virtue of TUPE Regulation 10, rights, powers, duties or liabilities under a contract of employment relating to an occupational pension scheme do not transfer under the TUPE Regulations. Without dis-application of regulation 10, a transfer to which the TUPE Regulations applied would afford only minimum protections of pension rights of transferring staff who are members of an occupational pension scheme. The effect of the amendment is to dis-apply TUPE regulation 10 and so enable the transfer of all existing pension rights of employees.</p>

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
25.	Section 17, page 10, line 19, leave out 'make a report containing recommendations from the Commission in relation to it' and insert 'submit to the Welsh Ministers under subsection (4)(a) of section 21 its report prepared under that section'.	Adran 17, tudalen 10, llinell 19, hepgorer 'lunio adroddiad sy'n cynnwys argymhellion gan y Comisiwn mewn perthynas â hi' a mewnosoder 'gyflwyno i Weinidogion Cymru o dan is-adran (4)(a) o adran 21 yr adroddiad a baratowyd ganddo o dan yr adran honno'.	<p>The purpose of the amendment is to amend section 17 of the Bill to ensure clarity in relation to the Welsh Minister's power to direct the Local Democracy and Boundary Commission for Wales ("LDBCW") to conduct an initial review.</p> <p>The effect of the amendment is to clarify that the reports referred to in section 17(1), in respect of the LDBCW making recommendations, are those reports to be submitted to the Welsh Ministers in accordance with section 21(4)</p>