

*Changes to legislation:* Government of Wales Act 2006, Part 3 is up to date with all changes known to be in force on or before 20 April 2024. 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

## SCHEDULES

### SCHEDULE 5

#### ASSEMBLY MEASURES

#### PART 3

#### [<sup>F1</sup>EXCEPTIONS FROM GENERAL RESTRICTIONS IN PART 2]

##### Textual Amendments

- F1** Sch. 5 Pt. 3: heading substituted (19.11.2009) by [The National Assembly for Wales \(Legislative Competence\) \(Exceptions to Matters\) Order 2009 \(S.I. 2009/3006\)](#), **art. 2(10)**

#### [<sup>F2</sup>Interpretation

##### Textual Amendments

- F2** Sch. 5 Pt. 3 para. 6Z and cross-heading inserted (19.11.2009) by [The National Assembly for Wales \(Legislative Competence\) \(Exceptions to Matters\) Order 2009 \(S.I. 2009/3006\)](#), **art. 2(11)**

6Z In this Part “ general restrictions in Part 2 ” means paragraphs 1 to 6 of Part 2. ]

##### Textual Amendments

- F2** Sch. 5 Pt. 3 para. 6Z and cross-heading inserted (19.11.2009) by [The National Assembly for Wales \(Legislative Competence\) \(Exceptions to Matters\) Order 2009 \(S.I. 2009/3006\)](#), **art. 2(11)**

#### *Functions of Ministers of the Crown*

7 [<sup>F3</sup>(1)] [<sup>F4</sup>The general restrictions in Part 2 do not] prevent a provision of an Assembly Measure removing or modifying, or conferring power by subordinate legislation to remove or modify, any function of a Minister of the Crown if the Secretary of State consents to the provision.

[<sup>F5</sup>(2) Part 2 does not prevent a provision of an Assembly Measure relating to matter 20.1 or 20.2 of Part 1, conferring or imposing, or conferring power by subordinate legislation to confer or impose, any function on a Minister of the Crown if the Secretary of State consents to the provision, but functions so conferred or imposed may not be made enforceable against Ministers of the Crown by means of criminal offences.]

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#### Textual Amendments

- F3** Sch. 5 Pt. 3 para. 7 renumbered as para. 7(1) (11.2.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Welsh Language\) Order 2010 \(S.I. 2010/245\)](#), arts. 1(2), **5(2)**
- F4** Sch. 5 Pt. 3: words substituted (19.11.2009) in each place by [The National Assembly for Wales \(Legislative Competence\) \(Exceptions to Matters\) Order 2009 \(S.I. 2009/3006\)](#), **art. 2(12)**
- F5** Sch. 5 Pt. 3 para. 7(2) inserted (11.2.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Welsh Language\) Order 2010 \(S.I. 2010/245\)](#), arts. 1(2), **5(2)**

#### *[<sup>F6</sup>Police areas*

#### Textual Amendments

- F6** Sch. 5 Pt. 3 para. 7A and cross-heading inserted (30.12.2007) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), ss. 235, 245(2), **Sch. 17 para. 4**

- 7A Part 2 does not prevent a provision of an Assembly Measure making an alteration to the boundary of a police area in Wales if the Secretary of State consents to the provision.]

#### *[<sup>F7</sup>Comptroller and Auditor General and National Audit Office]*

#### Textual Amendments

- F7** Sch. 5 para. 8 heading substituted (1.4.2012) by [Budget Responsibility and National Audit Act 2011 \(c. 4\)](#), s. 29, **Sch. 5 para. 27(2)**; S.I. 2011/2576, art. 5  
Text here

- 8 [<sup>F8</sup>The general restrictions in Part 2 do not] prevent a provision of an Assembly Measure modifying, or conferring power by subordinate legislation to modify, any enactment relating to the Comptroller and Auditor General [<sup>F9</sup>or the National Audit Office] if the Secretary of State consents to the provision.

#### Textual Amendments

- F8** Sch. 5 Pt. 3: words substituted (19.11.2009) in each place by [The National Assembly for Wales \(Legislative Competence\) \(Exceptions to Matters\) Order 2009 \(S.I. 2009/3006\)](#), **art. 2(12)**
- F9** Words in Sch. 5 para. 8 inserted (1.4.2012) by [Budget Responsibility and National Audit Act 2011 \(c. 4\)](#), s. 29, **Sch. 5 para. 27(1)**; S.I. 2011/2576, art. 5

#### *Restatement*

- 9 Part 2 does not prevent a provision of an Assembly Measure—
- (a) restating the law (or restating it with such modifications as are not prevented by that Part), or
  - (b) repealing or revoking any spent enactment,
- or conferring power by subordinate legislation to do so.

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### *Subordinate legislation*

- 10 [F10]The general restrictions in Part 2 do not] prevent an Assembly Measure making modifications of, or conferring power by subordinate legislation to make modifications of, an enactment for or in connection with any of the following purposes—
- (a) making different provision about the document by which a power to make, confirm or approve subordinate legislation is to be exercised,
  - (b) making provision (or no provision) for the procedure, in relation to the [F11]Senedd], to which legislation made in the exercise of such a power (or the instrument or other document in which it is contained) is to be subject, and
  - (c) applying any enactment comprised in or made under an Assembly Measure relating to the documents by which such powers may be exercised.

#### **Textual Amendments**

**F10** Sch. 5 Pt. 3: words substituted (19.11.2009) in each place by [The National Assembly for Wales \(Legislative Competence\) \(Exceptions to Matters\) Order 2009 \(S.I. 2009/3006\)](#), **art. 2(12)**

**F11** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), **Sch. 1 para. 2(19)** (with [Sch. 1 para. 2\(11\)-\(14\)](#))

### *[F12]Data Protection Act 1998*

#### **Textual Amendments**

**F12** Sch. 5 para. 11 and cross-heading inserted by [The National Assembly for Wales \(Legislative Competence\) \(Conversion of Framework Powers\) Order 2007 \(S.I. 2007/910\)](#), **art. 4** (with [art. 2](#)), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [art. 2\(1\)](#) of the amending Order and [s. 161\(5\)](#) of this Act

- 11 Part 2 does not prevent an Assembly Measure making modifications of, or conferring power by subordinate legislation to make modifications of, section 31(6) of the Data Protection Act 1998 so that it applies to complaints under any Assembly Measure relating to matter 9.1 in Part 1.]

#### **Textual Amendments**

**F12** Sch. 5 para. 11 and cross-heading inserted by [The National Assembly for Wales \(Legislative Competence\) \(Conversion of Framework Powers\) Order 2007 \(S.I. 2007/910\)](#), **art. 4** (with [art. 2](#)), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [art. 2\(1\)](#) of the amending Order and [s. 161\(5\)](#) of this Act

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 155A inserted by [2014 c. 29 s. 10](#)
- Sch. 7A Section C15 para. 92 omitted by [2017 c. 4 s. 48\(1\)\(a\)](#)
- Sch. 7A Section C15 para. 93 words omitted by [2017 c. 4 s. 48\(1\)\(b\)](#)
- Sch. 7B para. 10(2)(o) inserted by [2022 c. 30 s. 143](#)
- Sch. 7B para. 11(6)(b)(x) repealed by [2023 c. 54 Sch. 11 para. 1\(b\)](#)
- Sch. 7B para. 11(6)(b)(x) word omitted by [2023 c. 54 s. 118\(c\)](#)