



# Government of Wales Act 1998

## 1998 CHAPTER 38

An Act to establish and make provision about the National Assembly for Wales and the offices of Auditor General for Wales and Welsh Administration Ombudsman; to reform certain Welsh public bodies and abolish certain other Welsh public bodies; and for connected purposes. [31st July 1998]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1** Act: modified (7.7.2005 for W.) [Higher Education Act 2004 \(c. 8\)](#), **ss. 44(6)**, 52; S.I. 2005/1833, **art. 4(b)** (as amended by S.I. 2006/1660, art. 2)
- C2** Act: modified (E.W.) (26.5.2006) by [Transport \(Wales\) Act 2006 \(c. 5\)](#), **ss. 5(9)**, 12; S.I. 2006/1403, **art. 2(2)(e)**

## PART I

### THE NATIONAL ASSEMBLY FOR WALES

#### *The Assembly*

## 1 The Assembly.

**F1** .....

### Textual Amendments

- F1** **Ss. 1-26** repealed by [Government of Wales Act 2006 \(c. 32\)](#), **ss. 161**, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007)

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subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**2 Membership.**

F2 .....

**Textual Amendments**

**F2** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

*Ordinary elections*

**3 Time of ordinary elections.**

F3 .....

**Textual Amendments**

**F3** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**4 Voting at ordinary elections.**

F4 .....

**Textual Amendments**

**F4** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**5 Party lists and individual candidates.**

F5 .....

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**Textual Amendments**

**F5** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**6 Calculation of electoral region figures.**

**F6** .....

**Textual Amendments**

**F6** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**7 Return of electoral region members.**

**F7** .....

**Textual Amendments**

**F7** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

*Vacancies*

**8 Constituency seats.**

**F8** .....

**Textual Amendments**

**F8** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**9 Electoral region seats.**

F9  
.....

**Textual Amendments**

**F9** Ss. 1-26 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

*The franchise and conduct of elections*

**10 Entitlement to vote.**

F10  
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**Textual Amendments**

**F10** Ss. 1-26 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**11 Power to make provision about elections etc.**

F11  
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**Textual Amendments**

**F11** Ss. 1-26 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

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## Disqualification

### 12 Disqualification from being Assembly member.

F12 .....

#### Textual Amendments

**F12** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

### 12 Disqualification from being Assembly member. **U.K.**

- [<sup>F326</sup>(1) A person is disqualified from being an Assembly member if—
- (a) he is disqualified from being a member of the House of Commons under paragraphs (a) to (e) of section 1(1) of the <sup>M97</sup>House of Commons Disqualification Act 1975 (judges, civil servants, members of the armed forces, members of police forces and members of foreign legislatures),
  - (b) he holds any of the offices for the time being designated by Order in Council as offices disqualifying persons from being Assembly members,
  - (c) he holds the office of Auditor General for Wales <sup>F327</sup> . . . ,
  - [<sup>F328</sup>(ca) he holds the office of Public Services Ombudsman for Wales; ]or
  - (d) he is disqualified from being a member of a local authority under section 17(2) (b) or 18(7) of the <sup>M98</sup>Audit Commission Act 1998 (members of local authorities who are responsible for incurring or authorising unlawful expenditure or whose wilful misconduct has caused a loss or deficiency).
- (2) Subject to section 13(1) and (2), a person is also disqualified from being an Assembly member if he is disqualified otherwise than under the <sup>M99</sup>House of Commons Disqualification Act 1975 (either generally or in relation to a particular constituency) from being a member of the House of Commons or from sitting and voting in it.
- (3) For the purposes of subsection (2) the references to the Republic of Ireland in section 1 of the Representation of the <sup>M100</sup>People Act 1981 (disqualification of offenders detained in, or unlawfully at large from detention in, the British Islands or the Republic of Ireland) shall be treated as references to any member State (other than the United Kingdom).
- (4) A person who holds office as lord-lieutenant, lieutenant or high sheriff of any area in Wales is disqualified from being an Assembly member for any Assembly constituency or Assembly electoral region wholly or partly included in that area.
- (5) An Order in Council under paragraph (b) of subsection (1) may designate particular offices or offices of any description and may designate an office by reference to any characteristic of a person holding it; and in that paragraph and this subsection “office” includes any post or employment.

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- (6) No recommendation shall be made to Her Majesty in Council to make an Order in Council under subsection (1)(b) unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, each House of Parliament.
- (7) But subsection (6) does not apply in the case of an Order in Council varying or revoking a previous Order in Council if the Assembly has resolved that the Secretary of State be requested to recommend the making of the Order in Council.]

**Textual Amendments**

**F326** S. 12 repealed (25.7.2006 insofar as relating to s.12(1)(d)) by [Government of Wales Act 2006](#) (c. 32), ss. 161(2), 163, [Sch. 12](#) (with [Sch. 11](#))

**F327** Words in s. 12(1)(c) repealed (12.10.2005 for certain purposes, otherwise 1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005](#) (c. 10), ss. 39, 40, [Sch. 6](#) para. 62(a), [Sch. 7](#); S.I. 2005/2800, [arts. 3, 5](#), [Sch. 1](#) Pt. 1

**F328** S. 12(1)(ca) inserted (12.10.2005 for certain purposes, otherwise 1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005](#) (c. 10), ss. 39, 40, [Sch. 6](#) para. 62(b); S.I. 2005/2800, [arts. 3, 5](#), [Sch. 1](#) Pt. 1

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**Marginal Citations**

**M97** 1975 c. 24.

**M98** 1998 c. 18.

**M99** 1975 c. 24.

**M100** 1981 c. 34.

**13 Exceptions and relief from disqualification.**

F13 .....

**Textual Amendments**

**F13** Ss. 1-26 repealed by [Government of Wales Act 2006](#) (c. 32), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**14 Effect of disqualification.**

F14 .....

**Textual Amendments**

**F14** Ss. 1-26 repealed by [Government of Wales Act 2006](#) (c. 32), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## 15 Judicial proceedings as to disqualification.

F15 .....

### Textual Amendments

**F15** Ss. 1-26 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

*Remuneration, oaths etc.*

## 16 Salaries and allowances.

F16 .....

### Textual Amendments

**F16** Ss. 1-26 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## 17 Limit on salaries of members of other public bodies.

F17 .....

### Textual Amendments

**F17** Ss. 1-26 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## 18 Pensions etc.

F18 .....

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**Textual Amendments**

**F18** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**19 Publication of information about remuneration paid.**

**F19** .....

**Textual Amendments**

**F19** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**20 Oath or affirmation of allegiance.**

**F20** .....

**Textual Amendments**

**F20** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**PART II**

ASSEMBLY FUNCTIONS

**Commencement Information**

**II** Part II (ss. 21-45) in force at 1.12.1998 by [S.I. 1998/2789](#), [art. 2](#)



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## Introduction

### 21 Introductory.

F21

#### Textual Amendments

**F21** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## Transfer of Ministerial functions to Assembly

### 22 Transfer of Ministerial functions.

F22

#### Textual Amendments

**F22** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

### 23 General transfer of property, rights and liabilities etc.

F23

#### Textual Amendments

**F23** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

### 24 General transfer: supplementary.

F24

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**Textual Amendments**

**F24** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**25 Power to make specific transfers etc.**

**F25** .....

**Textual Amendments**

**F25** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**26 Transfers of property: supplementary.**

**F26** .....

**Textual Amendments**

**F26** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

*Other functions*

**27 Reform of Welsh health authorities.**

- (1) **F27** .....
- (2) **F27** .....
- (3) **F27** .....
- (4) **F27** .....
- (5) **F27** .....
- (6) **F28** .....

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- (7) <sup>F28</sup> .....
- (8) <sup>F29</sup> .....
- (9) <sup>F29</sup> .....
- (10) <sup>F29</sup> .....

### Textual Amendments

- F27** S. 27(2)-(5) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.
- F28** S. 27(6)(7) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (subject to s. 8) (with **Sch. 2**, **Sch. 3**)
- F29** S. 27(8)-(10) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## 28 Reform of other Welsh public bodies.

- (1) The [<sup>F30</sup>Welsh Ministers] may by order make, in relation to any one or more of the statutory functions of a body specified in Part I or II of Schedule 4, provision for the transfer of the function or functions—
  - (a) to a body specified in Part I or III of that Schedule,
  - (b) to a body specified in Part II or IV of that Schedule if that body consents to the transfer to it of the function or functions,
  - (c) to a county council, county borough council or community council in Wales (or to more than one such council), or
  - (d) to the [<sup>F30</sup>Welsh Ministers] .
- (2) Where the [<sup>F30</sup>Welsh Ministers][<sup>F31</sup>consider] that, if a statutory function of a body specified in Part I or II of Schedule 4 were transferred to a body within any of paragraphs (a) to (d) of subsection (1) by an order under that subsection, that body—
  - (a) would not be able to exercise the function because the function requires or permits something to be done in relation to that body, or
  - (b) could by exercising another of its functions do what the function would require or permit that body to do,the [<sup>F30</sup>Welsh Ministers] may by order make provision for the abolition of the function.
- (3) Where each of the statutory functions of a body specified in Part I or II of Schedule 4 is transferred or abolished by an order under subsection (1) or (2), the [<sup>F30</sup>Welsh Ministers] may by order make provision—
  - (a) for the abolition of the body if it is a body specified in Part I of that Schedule, or

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- (b) for the abolition of the duty to recognise the body if it is a body specified in Part II of that Schedule.
- (4) An order under subsection (1), (2) or (3)(a) making provision in relation to a body specified in Part I of Schedule 4 may include provision for the transfer of staff of the body and of any property, rights and liabilities to which the body is entitled or subject and may in particular—
- (a) provide for the transfer of any property, rights or liabilities to have effect subject to exceptions or reservations specified in or determined under the order,
  - (b) provide for the creation of interests in, or rights over, property transferred or retained or for the creation of new rights and liabilities between the body and the transferee,
  - (c) provide for the order to have effect in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order, or
  - (d) make provision about property situated outside the United Kingdom or rights and liabilities arising otherwise than under the law of England and Wales.
- (5) Where by an order under subsection (1) or (2)—
- (a) any function of a body specified in Part I of Schedule 4 is transferred or abolished, or
  - (b) any function is transferred to a body specified in Part I or III of that Schedule, the [<sup>F30</sup>Welsh Ministers] may by order make provision altering the membership of the body.
- (6) An order under subsection (3)(a) making provision for the abolition of a body may include provision for the abolition of any duty in compliance with which it was established or constituted.
- (7) An order under this section may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).
- [<sup>F32</sup>(7A) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of the Assembly.]
- (8) In this section “statutory functions” means functions conferred or imposed by an enactment (including an enactment which is contained in an Act passed after this Act or is made after the passing of this Act).

#### Textual Amendments

**F30** Words in s. 28 substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161 {Sch. 10 para. 42(2)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act.

**F31** Word in s. 28(2) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161 {Sch. 10 para. 42(3)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act.

**F32** S. 28(7A) inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161 {Sch. 10 para. 42(4)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial

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period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act.

## 29 Implementation of Community law.

F33 .....

### Textual Amendments

**F33** S. 29 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## 30 Consultation about public appointments.

F34 .....

### Textual Amendments

**F34** S. 30 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## 31 Consultation about government's legislative programme.

F35 .....

### Textual Amendments

**F35** S. 31 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## 32 Support of culture etc.

F36 .....

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**Textual Amendments**

**F36** S. 32 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**33 Consideration of matters affecting Wales.**

**F37** .....

**Textual Amendments**

**F37** S. 33 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

*Ancillary powers etc.*

**34 Staff.**

**F38** .....

**Textual Amendments**

**F38** S. 34 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**[<sup>F39</sup>34A Assistance to groups of Assembly members.**

**F40** .....]

**Textual Amendments**

**F39** S. 34A inserted (30.11.2000) by [2000 c. 41](#), ss. 158(1), 163(3)(b), [Sch. 21 para. 12\(4\)](#) (with [s. 156\(6\)](#))  
**F40** S. 34A repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

### 35 Inquiries.

F41 .....

#### Textual Amendments

**F41** S. 35 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

### 36 Polls for ascertaining views of the public.

F42 .....

#### Textual Amendments

**F42** S. 36 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

### 37 Private bills.

F43 .....

#### Textual Amendments

**F43** S. 37 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

### 38 Legal proceedings.

F44 .....

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**Textual Amendments**

**F44** S. 38 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**39 Contracts.**

**F45** .....

**Textual Amendments**

**F45** S. 39 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**40 Supplementary powers.**

**F46** .....

**Textual Amendments**

**F46** S. 40 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**41 Agency arrangements and provision of services.**

**F47** .....

**Textual Amendments**

**F47** S. 41 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.



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[<sup>F48</sup>**41A Co-operation with the Auditor General for Wales**

<sup>F49</sup> .....

**Textual Amendments**

**F48** S. 41A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), ss. 66, 73, [Sch. 2 para. 43](#); S.I. 2005/558, art. 2, {Sch. 1} (subject to Sch. 2)

**F49** S. 41A repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

*Supplementary*

**42 Different exercise of functions by Assembly.**

<sup>F50</sup> .....

**Textual Amendments**

**F50** S. 42 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**43 Construction of references to Ministers and departments.**

<sup>F51</sup> .....

**Textual Amendments**

**F51** S. 43 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**44 Parliamentary procedures for subordinate legislation.**

<sup>F52</sup> .....

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**Textual Amendments**

**F52** S. 44 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**45 Laying of reports and statements.**

**F53** .....

**Textual Amendments**

**F53** S. 45 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**PART III**

ASSEMBLY PROCEDURE

**Commencement Information**

**I2** Part III wholly in force: Ss. 50, 51 in force at Royal assent, see [s. 158](#); [Ss. 46-49, 52-79](#) in force at 1.12.1998 by [S.I. 1998/2789](#), [art. 2](#)

*Introductory*

**46 Regulation of procedure.**

**F54** .....

**Textual Amendments**

**F54** S. 46 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

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## 47 Equal treatment of English and Welsh languages.

F55

### Textual Amendments

**F55** S. 47 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## 48 Equal opportunities in conduct of business.

F56

### Textual Amendments

**F56** S. 48 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

### *Initial provisions*

## 49 First meeting.

F57

### Textual Amendments

**F57** S. 49 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## 50 First standing orders.

F58

### Textual Amendments

**F58** S. 50 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007)

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subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**51 The Commissioners.**

F59 .....

**Textual Amendments**

**F59** S. 51 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

*Offices and committees*

**52 Presiding officer and deputy.**

F60 .....

**Textual Amendments**

**F60** S. 52 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**53 Assembly First Secretary and Assembly Secretaries.**

F61 .....

**Textual Amendments**

**F61** S. 53 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**54 Committees.**

F62 .....

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**Textual Amendments**

**F62** S. 54 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**55 Sub-committees.**

**F63** .....

**Textual Amendments**

**F63** S. 55 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

*The statutory committees*

**56 Executive committee.**

**F64** .....

**Textual Amendments**

**F64** S. 56 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**57 Subject committees.**

**F65** .....

**Textual Amendments**

**F65** S. 57 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**58 Subordinate legislation scrutiny committee.**

F66  
.....

**Textual Amendments**

**F66** S. 58 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**59 Members of scrutiny committee etc.**

F67  
.....

**Textual Amendments**

**F67** S. 59 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**60 Audit Committee.**

F68  
.....

**Textual Amendments**

**F68** S. 60 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**61 Regional committees.**

F69  
.....

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**Textual Amendments**

**F69** S. 61 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

*Delegation*

**62 Delegation of functions.**

**F70** .....

**Textual Amendments**

**F70** S. 62 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**63 Exercise of functions by Assembly staff.**

**F71** .....

**Textual Amendments**

**F71** S. 63 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

*Procedures relating to subordinate legislation*

**64 Standing orders to provide procedures.**

**F72** .....

**Textual Amendments**

**F72** S. 64 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes

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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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**65 Regulatory appraisals.**

F73  
.....

**Textual Amendments**

**F73** S. 65 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**66 Making of Assembly general subordinate legislation.**

F74  
.....

**Textual Amendments**

**F74** S. 66 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**67 Disapplication of procedural requirements.**

F75  
.....

**Textual Amendments**

**F75** S. 67 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**68 Financial initiative.**

F76  
.....



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### Textual Amendments

**F76** S. 68 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

### Other provisions about standing orders

## 69 Preservation of order.

**F77** .....

### Textual Amendments

**F77** S. 69 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

## 70 Openness.

**F78** .....

### Textual Amendments

**F78** S. 70 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

## 71 Participation of Assembly members.

**F79** .....

### Textual Amendments

**F79** S. 71 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**72 Integrity.**

F80  
.....

**Textual Amendments**

**F80** S. 72 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**73 Publication.**

F81  
.....

**Textual Amendments**

**F81** S. 73 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

*Evidence and documents relating to public bodies*

**74 Power to require attendance and production of documents.**

F82  
.....

**Textual Amendments**

**F82** S. 74 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**75 Witnesses and documents: supplementary.**

F83  
.....

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**Textual Amendments**

**F83** S. 75 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

*Miscellaneous*

**76 Attendance of Secretary of State for Wales.**

**F84** . . . . .

**Textual Amendments**

**F84** S. 76 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**77 Defamation.**

**F85** . . . . .

**Textual Amendments**

**F85** S. 77 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**78 Contempt of court.**

**F86** . . . . .

**Textual Amendments**

**F86** S. 78 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## 79 Corrupt practices.

F87

### Textual Amendments

**F87** S. 79 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## PART IV

### ASSEMBLY FINANCE

### Commencement Information

**I3** Part IV partly in force: Ss. 80-103 in force at 1.12.1998 by S.I. 1998/2789, art. 2

### *Payments to Assembly etc.*

## 80 Grants to Assembly.

F88

### Textual Amendments

**F88** S. 80 repealed (1.4.2007) by Government of Wales Act 2006 (c. 32), ss. 161(3), 163, Sch. 12 (with Sch. 11)

## 81 Statement of estimated payments etc.

F89

### Textual Amendments

**F89** S. 81 repealed (25.7.2006) by Government of Wales Act 2006 (c. 32), ss. 161(2), 163, Sch. 12 (with Sch. 11)

## 82 Loans to Assembly by Secretary of State.

F90

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**Textual Amendments**

**F90** S. 82 repealed (1.4.2007) by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161(3), 163, [Sch. 12](#) (with [Sch. 11](#))

**83 Accounts relating to loans under section 82.**

**F91** .....

**Textual Amendments**

**F91** S. 83 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**84 Destination of receipts etc.**

**F92** .....

**Textual Amendments**

**F92** S. 84 repealed (1.4.2007) by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161(3), 163, [Sch. 12](#) (with [Sch. 11](#))

*Expenditure by Assembly etc.*

**85 Expenditure by Assembly.**

**F93** .....

**Textual Amendments**

**F93** S. 85(1) repealed (1.4.2007) by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161(3), 163, [Sch. 12](#) (with [Sch. 11](#)) and s. 85(2)(3) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**86 Statement of proposed expenditure etc.**

**F94** .....

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**Textual Amendments**

**F94** S. 86 repealed (25.7.2006) by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161(2), 163, [Sch. 12](#) (with [Sch. 11](#))

**87 National Loans Fund lending.**

**F95** .....

**Textual Amendments**

**F95** S. 87 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**88 Accounts relating to funds paid to Assembly for lending.**

**F96** .....

**Textual Amendments**

**F96** S. 88 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**89 Source of sums paid by Assembly.**

**F97** .....

**Textual Amendments**

**F97** S. 89 repealed (1.4.2007) by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161(3), 163, [Sch. 12](#) (with [Sch. 11](#))

*The Auditor General for Wales*

**90 Auditor General for Wales.**

**F98** .....

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**Textual Amendments**

**F98** S. 90 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**91 Remuneration.**

**F99** .....

**Textual Amendments**

**F99** S. 91 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) of the amending Act, which provides for certain provisions to come into force for specified purposes 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 [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act.

**92 Staff etc.**

**F100** .....

**Textual Amendments**

**F100** S. 92 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**93 [<sup>F101</sup>Expenses and accounts].**

**F102** .....

**Textual Amendments**

**F101** S. 93: side-note substituted (1.4.2005) by virtue of [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), [ss. 7, 73](#); [S.I. 2005/558](#), [art. 2](#), [Sch. 1](#) (subject to [Sch. 2](#) para. 1)

**F102** S. 93 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

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## [<sup>F103</sup>93A Fees

<sup>F104</sup> .....

### Textual Amendments

**F103** S. 93A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), [ss. 7, 73](#); S.I. 2005/558, [art. 2](#), [Sch. 1](#) (subject to [Sch. 2 para. 1](#))

**F104** S. 93A repealed by [Government of Wales Act 2006 \(c. 32\)](#), [ss. 161, 163](#), [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

## 94 Audit of Auditor General's accounts.

<sup>F105</sup> .....

### Textual Amendments

**F105** S. 94 repealed by [Government of Wales Act 2006 \(c. 32\)](#), [ss. 161, 163](#), [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

## [<sup>F106</sup>94A Accounting officer

<sup>F107</sup> .....

### Textual Amendments

**F106** S. 94A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), [ss. 10, 73](#); S.I. 2005/558, [art. 2](#), [Sch. 1](#)

**F107** S. 94A repealed by [Government of Wales Act 2006 \(c. 32\)](#), [ss. 161, 163](#), [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

## 95 Access to documents by Auditor General

<sup>F108</sup> .....



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**Textual Amendments**

**F108** S. 95 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**96 Auditor General for Wales: miscellaneous.**

**F109** .....

**Textual Amendments**

**F109** S. 96 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**[<sup>F110</sup>96A Reports in public interest**

**F111** .....

**Textual Amendments**

**F110** Ss. 96A-96C inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), ss. 2, 73; S.I. 2005/558, art. 2, **Sch. 1**

**F111** S. 96A repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**96B Certification of claims, returns etc.**

**F112** .....

**Textual Amendments**

**F110** Ss. 96A-96C inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), ss. 2, 73; S.I. 2005/558, art. 2, **Sch. 1**

**F112** S. 96B repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**96C Ancillary powers of Auditor General**

F113 .....]

**Textual Amendments**

**F110** Ss. 96A-96C inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 2, 73; S.I. 2005/558, art. 2, Sch. 1

**F113** S. 96C repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

*Financial accountability of Assembly etc.*

**97 Preparation and audit of Assembly’s annual accounts.**

F114 .....

**Textual Amendments**

**F114** S. 97 repealed by Government of Wales Act 2006 (c. 32), s. 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**98 Accounting officers.**

F115 .....

**Textual Amendments**

**F115** S. 98 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**99 Accounts of Assembly subsidiaries etc.**

F116 .....

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**Textual Amendments**

**F116** S. 99 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**100 Examinations into Assembly's use of resources.**

**F117** .....

**Textual Amendments**

**F117** S. 100 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**101 Examinations by Comptroller and Auditor General.**

**F118** .....

**Textual Amendments**

**F118** S. 101 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**[<sup>F119</sup>101A Whole of Government of Wales accounts.**

**F120** .....]

**Textual Amendments**

**F119** S. 101A inserted (22.12.2000 for certain purposes and 1.4.2001 otherwise) by [2000 c. 20](#), s. 29, [Sch. 1 para. 24](#); [S.I. 2000/3349](#), [arts. 2, 3](#)

**F120** S. 101A repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

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**102 Audit Committee reports.**

F121 .....

**Textual Amendments**

**F121** S. 102 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**103 Publication of accounts and audit reports etc.**

F122 .....

**Textual Amendments**

**F122** S. 103 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

*Funding of school inspections and forestry in Wales*

**104** [<sup>F123</sup>Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.]

- (1) The provision of funding for [<sup>F123</sup>Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru] (“the Chief Inspector”) shall be the responsibility of the [<sup>F124</sup>Welsh Ministers].
- (2) What subsection (1) requires of the [<sup>F124</sup>Welsh Ministers] is that [<sup>F125</sup>they] shall provide such funding for the Chief Inspector as [<sup>F126</sup>they consider] appropriate.
- (3) In deciding what funding [<sup>F127</sup>they consider] appropriate to provide for the Chief Inspector, the [<sup>F124</sup>Welsh Ministers] shall have regard in particular to what [<sup>F127</sup>they consider] the Chief Inspector needs to spend in order to discharge his functions effectively.
- (4) The [<sup>F124</sup>Welsh Ministers] shall before the beginning of each financial year consult the Chief Inspector about the funding [<sup>F128</sup>they are] to provide for him in that financial year <sup>F129</sup> . . .

- [<sup>F130</sup>(4A) The [<sup>F124</sup>Welsh Ministers] shall—
  - (a) approve the plan submitted to [<sup>F131</sup>them] under section 87 of the Learning and Skills Act 2000; and

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- (b) determine the amount of the funding [<sup>F132</sup>they are] to provide under this section in accordance with the plan as approved by [<sup>F133</sup>them] .
- (4B) But before [<sup>F134</sup>they give their] approval under subsection (4A)(a), the [<sup>F124</sup>Welsh Ministers] may require the Chief Inspector to modify the plan.]
- (5) <sup>F135</sup> .....
- (6) Schedule 6 (which makes further provision about the Chief Inspector) has effect.

### Textual Amendments

- F123** Words in sidenote and s. 104(1) substituted (1.1.2001) by 2000 c. 21, s. 73(3)(a); S.I. 2000/3230, art. 2, Sch.
- F124** Words in s. 104 substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(2)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F125** Word in s. 104(2) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(3)(a)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F126** Words in s. 104(2) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(3)(b)} (with Sch. 11 para. 22), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F127** Words in s. 104(3) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(4)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F128** Words in s. 104(4) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(5)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F129** Words in s. 104(4) repealed (1.1.2001) by 2000 c. 21, ss. 149, 153, Sch. 9 para. 92(2), Sch. 11; S.I. 2000/3230, art. 2, Sch.
- F130** S. 104(4A)(4B) inserted (1.1.2001) by 2000 c. 21, s. 149, Sch. 9 para. 92(3); S.I. 2000/3230, art. 2, Sch.
- F131** Word in s. 104(4A) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(6)(a)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F132** Words in s. 104(4A) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(6)(b)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F133** Words in s. 104(4A) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(6)(a)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F134** Words in s. 104(4B) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(7)} (with Sch. 11), the amending provision coming into force immediately after the end of

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"the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act

**F135** S. 104(5) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 43(7), {Sch. 12} (with Sch. 11), the repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act

#### Modifications etc. (not altering text)

**C3** S. 104(4) amended (1.1.2001) by 2000 c. 21, s. 87(1); S.I. 2000/3230, art. 2, Sch.

#### Commencement Information

**I4** S. 104 wholly in force at 1.7.1999; s. 104 not in force at Royal Assent; s. 104(6) in force for certain purposes at 1.5.1999 and s. 104 wholly in force at 1.7.1999 by S.I. 1999/1290, arts. 3, 4

## 105 Forestry Commissioners.

- (1) The provision of funding for the exercise by the Forestry Commissioners of their functions in relation to Wales shall be the responsibility of the <sup>F136</sup>Welsh Ministers].
- (2) What subsection (1) requires of the <sup>F136</sup>Welsh Ministers][<sup>F137</sup>they] that it shall provide such funding as the <sup>F136</sup>Welsh Ministers][<sup>F138</sup>consider] appropriate for the exercise by the Forestry Commissioners of their functions in relation to Wales.
- (3) In deciding what funding <sup>F139</sup>they consider] considers appropriate to provide for the exercise by the Forestry Commissioners of their functions in relation to Wales, the <sup>F136</sup>Welsh Ministers] shall have regard in particular to what <sup>F139</sup>they consider] considers those Commissioners need to spend in order effectively to discharge their functions in relation to Wales.
- (4) The <sup>F136</sup>Welsh Ministers] shall before the beginning of each financial year consult the Forestry Commissioners about the funding <sup>F140</sup>they are] to provide for them in that financial year; and in determining the amount of that funding the <sup>F136</sup>Welsh Ministers] shall take account of the Forestry Commissioners' estimates of—
  - (a) what they will need to spend in that financial year in order effectively to discharge their functions in relation to Wales, and
  - (b) the income which they will receive in that financial year and be entitled to apply towards meeting their expenditure on the exercise of their functions in relation to Wales.
- (5) Schedule 7 (which makes further provision about the Forestry Commissioners and the exercise of their functions in relation to Wales) has effect.

#### Textual Amendments

**F136** Words in s. 105 substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 44(2)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

**F137** Words in s. 105(2) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 44(3)(a)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

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**F138** Word in s. 105(2) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 44(3)(b)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

**F139** Words in s. 105(3) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 44(4)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

**F140** Words in s. 105(4) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 44(4)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

**Commencement Information**

**I5** S. 105 wholly in force at 14.5.2001; s. 105 not in force at Royal Assent; s. 105(5) in force for certain purposes at 1.4.1999 by S.I. 1999/782, art. 2; s. 105(1)-(4) in force and s. 105(5) in force in so far as not already in force at 14.5.2001 by S.I. 2001/1756, art. 2

**PART V**

**OTHER PROVISIONS ABOUT THE ASSEMBLY**

**Commencement Information**

**I6** Part V partly in force: Ss. 106, 108-110, 113-115, 119-124 in force at 1.12.1998 by S.I. 1998/2789, art. 2

*Community law, human rights and international obligations*

**106 Community law.**

F141 .....

**Textual Amendments**

**F141** Ss. 106-124 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**107 Human rights.**

F142 .....

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**Textual Amendments**

**F142** Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**108 International obligations.**

**F143** .....

**Textual Amendments**

**F143** Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

*Decisions about Assembly functions*

**109 Resolution of devolution issues.**

**F144** .....

**Textual Amendments**

**F144** Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**110 Power to vary retrospective decisions.**

**F145** .....

**Textual Amendments**

**F145** Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment



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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

### *Investigation of complaints*

#### **111 Welsh Administration Ombudsman.**

F146 .....

##### **Textual Amendments**

**F146** S. 111 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 6 para. 65, Sch. 7; S.I. 2005/2800, art. 5(1)

#### **112 Amendments of Health Service Commissioners Act 1993.**

F147 .....

##### **Textual Amendments**

**F147** Ss. 106-124 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

### *Local government, the voluntary sector and business*

#### **113 Relations with local government.**

F148 .....

##### **Textual Amendments**

**F148** Ss. 106-124 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

#### **114 Relations with voluntary organisations.**

F149 .....

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**Textual Amendments**

**F149** Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**115 Consultation with business.**

**F150** .....

**Textual Amendments**

**F150** Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

*Welsh public records*

**116 Status of Welsh public records.**

**F151** .....

**Textual Amendments**

**F151** Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**117 Transfer of responsibility.**

**F152** .....

**Textual Amendments**

**F152** Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## 118 Meaning of “Welsh public records”.

F153 .....

### Textual Amendments

**F153** Ss. 106-124 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

### Miscellaneous

## 119 Publication and inspection of documents.

F154 .....

### Textual Amendments

**F154** Ss. 106-124 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## 120 Equality of opportunity.

F155 .....

### Textual Amendments

**F155** Ss. 106-124 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## 121 Sustainable development.

F156 .....

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**Textual Amendments**

**F156** Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**122 English and Welsh texts of Assembly instruments.**

**F157** .....

**Textual Amendments**

**F157** Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**123 Provision of information to Treasury.**

**F158** .....

**Textual Amendments**

**F158** Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**124 Documentary evidence.**

**F159** .....

**Textual Amendments**

**F159** Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

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## 125 Minor and consequential amendments.

Schedule 12 (minor and consequential amendments relating to Parts I to IV and this Part) has effect.

### Commencement Information

- I7** S. 125 partly in force; s. 125 not in force at Royal Assent see s. 158; s. 125 in force for certain purposes at 1.2.1999 by S.I. 1999/118, art. 2; s. 125 in force for certain purposes at 1.4.1999 by S.I. 1999/782, art. 2; s. 125 in force for certain purposes at 1.7.1999 by S.I. 1999/1290, art. 4

## PART VI

### REFORM OF WELSH PUBLIC BODIES

#### *The Welsh Development Agency*

## 126 Extension of functions.

- (1) Section 1 of the <sup>M1</sup>Welsh Development Agency Act 1975 (functions of Agency and purposes for which they may be exercised) is amended as follows.
- (2) In subsection (2) (purposes for which functions may be exercised)—
  - (a) in paragraph (a) (furtherance of economic development of Wales or a part of Wales), after “economic” insert “ and social ”, and
  - (b) in paragraph (b) (promotion of industrial efficiency in Wales), for “industrial efficiency” substitute “ efficiency in business ”.
- (3) In subsection (3) (functions)—
  - (a) in paragraph (a) (promotion of Wales as location of industrial development), for “of industrial development” substitute “ for businesses ”,
  - (b) in paragraphs (b), (c), (f), (g) and (j) (functions relating to industrial undertakings), for “industrial undertakings” (in each place) substitute “ businesses ”,
  - (c) in paragraph (d) (promotion etc. of an industry or an undertaking in an industry), for “an industry or any undertaking in an industry” substitute “ businesses, or a particular business or particular businesses ”, and
  - (d) after that paragraph insert—

“(da) to make land available for development;”.
- (4) In subsection (8) (power to make grants not to be used in connection with functions of providing finance for carrying on of industrial undertakings), for “shall not be used in connection with those functions” substitute “ may only be exercised in connection with those functions in accordance with a programme approved by the Secretary of State under subsection (15) below ”.

### Marginal Citations

- M1** 1975 c. 70.

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## 127 Land acquisition and disposal etc.

Schedule 13 (amendments of Welsh Development Agency Act 1975 and other enactments for conferring on Welsh Development Agency functions relating to the acquisition of land etc.) has effect.

## 128 Other amendments.

Schedule 14 (other amendments relating to Welsh Development Agency) has effect.

### *The Development Board for Rural Wales*

## 129 Cessation of functions.

- (1) The functions of the Development Board for Rural Wales shall cease to exist.
- (2) Schedule 15 (amendments of enactments relating to that Board in consequence of subsection (1)) has effect.

## 130 Transfer of property, staff etc. to Welsh Development Agency.

- (1) There shall be transferred to and vest in the Welsh Development Agency by virtue of this subsection all property, rights and liabilities to which the Development Board for Rural Wales is entitled or subject when the functions of that Board cease to exist.
- (2) A certificate issued by the Secretary of State that any property has been transferred by subsection (1) shall be conclusive evidence of the transfer.
- (3) Subsection (1) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.
- (4) Subsection (1) does not have effect to continue in force any contract of employment; but the Secretary of State may by order make provision for the transfer of staff of the Development Board for Rural Wales.
- (5) An order under subsection (4) may make any appropriate consequential, incidental, supplementary or transitional provisions or savings.

### **Commencement Information**

**18** S. 130 wholly in force; s. 130 not in force at Royal Assent see s. 158; s. 130(1)-(3) in force at 1.10.2000 by S.I. 1998/2244, art. 4; s. 130(4)(5) in force at 2.9.2000 by S.I. 1998/2244, art. 3

## 131 Transitional provisions.

- (1) Nothing in section 129 or Schedule 15, or in any repeal made by this Act, affects the validity of anything done by or in relation to the Development Board for Rural Wales before its functions cease to exist.
- (2) There may be continued by or in relation to the Welsh Development Agency anything (including legal proceedings) which—

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- (a) relates to any of the functions of the Development Board for Rural Wales or to any property, rights or liabilities transferred by section 130(1), and
  - (b) is in the process of being done by or in relation to that Board when its functions cease to exist.
- (3) Anything which—
- (a) was done by the Development Board for Rural Wales for the purpose of or in connection with any of its functions or any property, rights or liabilities transferred by section 130(1), and
  - (b) is in effect immediately before its functions cease to exist,
- shall have effect as if done by the Welsh Development Agency.
- (4) The Welsh Development Agency shall be substituted for the Development Board for Rural Wales in any instruments, contracts or legal proceedings which—
- (a) relate to any of the functions of that Board or to any property, rights or liabilities transferred by section 130(1), and
  - (b) are made or commenced before its functions cease to exist.

## 132 Winding-down.

F160 .....

### Textual Amendments

**F160** S. 132 omitted (23.11.2005) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), art. 7(1), **Sch. 2 Pt. 1 para. 11** (with art. 3(1))

## 133 Abolition etc.

- (1) The Development Board for Rural Wales shall cease to exist when the Secretary of State, being satisfied that its duties under section 132 have been discharged, by order so directs.
- (2) No amendment or repeal made by this Act or by virtue of subsection (3) affects—
  - (a) the continuance of the Development Board for Rural Wales for the purpose of exercising its functions under section 132, or
  - (b) the continued operation for that purpose of any enactment relating to the Development Board for Rural Wales.
- (3) The Secretary of State may by order make any consequential, incidental, supplementary or transitional provisions, and any savings, which appear to him to be appropriate in consequence of or otherwise in connection with—
  - (a) the functions of the Development Board for Rural Wales ceasing to exist under section 129,
  - (b) the transfer of property, rights and liabilities of that Board by section 130(1),
  - (c) the abolition of that Board, or
  - (d) the repeal by this Act of any provision of the <sup>M2</sup>Development of Rural Wales Act 1976.

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- (4) An order under subsection (3) may include provisions in the form of amendments or repeals of any of sections 129 to 132, Schedule 15 or any other enactment.

**Commencement Information**

**I9** S. 133 wholly in force; s. 133 not in force at Royal Assent see s. 158; s. 133(3)(4) in force at 2.9.1998 and s. 133(1)(2) in force at 1.10.1998 by S.I. 1998/2244, arts. 3, 4

**Marginal Citations**

**M2** 1976 c. 75.

*The Land Authority for Wales*

**134 Cessation of functions.**

The functions of the Land Authority for Wales shall cease to exist.

**135 Consequential amendments.**

- (1) The following amendments relating to the Land Authority for Wales have effect in consequence of section 134.
- (2) In—
- (a) paragraph 1(2)(xxiv) of Schedule 25 to the <sup>M3</sup>Water Act 1989,
  - (b) paragraph 1(1)(iv) of Schedule 16 to the <sup>M4</sup>Electricity Act 1989, and
  - (c) paragraph 2(1)(xxviii) of Schedule 4 to the <sup>M5</sup>Gas Act 1995,
- (which deem persons to be statutory undertakers for the purposes of certain enactments), for “Parts XII and” substitute “ Part ”.
- (3) In section 31(1)(c) of the <sup>M6</sup>Acquisition of Land Act 1981 (acquisition under certain provisions of statutory undertakers’ land without a certificate), for “said Act of” substitute “ Local Government, Planning and Land Act ”.

**Marginal Citations**

**M3** 1989 c. 15.

**M4** 1989 c. 29.

**M5** 1995 c. 45.

**M6** 1981 c. 67.

**136 Transfer of property, staff etc. to Welsh Development Agency.**

- (1) There shall be transferred to and vest in the Welsh Development Agency by virtue of this subsection all property, rights and liabilities to which the Land Authority for Wales is entitled or subject when the functions of that Authority cease to exist.
- (2) A certificate issued by the Secretary of State that any property has been transferred by subsection (1) shall be conclusive evidence of the transfer.



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- (3) Subsection (1) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.
- (4) Subsection (1) does not have effect to continue in force any contract of employment; but the Secretary of State may by order make provision for the transfer of staff of the Land Authority for Wales.
- (5) An order under subsection (4) may make any appropriate consequential, incidental, supplementary or transitional provisions or savings.

#### Commencement Information

**I10** S. 136 wholly in force; s. 136 not in force at Royal Assent see s. 158; s. 136(4)(5) in force at 2.9.1998 and s. 136(1)-(3) in force at 1.10.1998 by S.I. 1998/2244, arts. 3, 4

### 137 Transitional provisions.

- (1) Nothing in section 134 or 135, or in any repeal made by this Act, affects the validity of anything done by or in relation to the Land Authority for Wales before its functions cease to exist.
- (2) There may be continued by or in relation to the Welsh Development Agency anything (including legal proceedings) which—
  - (a) relates to any of the functions of the Land Authority for Wales or to any property, rights or liabilities transferred by section 136(1), and
  - (b) is in the process of being done by or in relation to that Authority when its functions cease to exist.
- (3) Anything which—
  - (a) was done by the Land Authority for Wales for the purpose of or in connection with any of its functions or any property, rights or liabilities transferred by section 136(1), and
  - (b) is in effect immediately before its functions cease to exist,shall have effect as if done by the Welsh Development Agency.
- (4) The Welsh Development Agency shall be substituted for the Land Authority for Wales in any instruments, contracts or legal proceedings which—
  - (a) relate to any of the functions of that Authority or to any property, rights or liabilities transferred by section 136(1), and
  - (b) are made or commenced before its functions cease to exist.

### 138 Winding-down.

**F161** .....

#### Textual Amendments

**F161** S. 138 omitted (23.11.2005) by virtue of The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3226), art. 7(1), Sch. 2 Pt. 1 para. 11 (with art. 3(1))

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### 139 Abolition etc.

- (1) The Land Authority for Wales shall cease to exist when the Secretary of State, being satisfied that its duties under section 138 have been discharged, by order so directs.
- (2) No amendment or repeal made by this Act or by virtue of subsection (3) affects—
  - (a) the continuance of the Land Authority for Wales for the purpose of exercising its functions under section 138, or
  - (b) the continued operation for that purpose of any enactment relating to the Land Authority for Wales.
- (3) The Secretary of State may by order make any consequential, incidental, supplementary or transitional provisions, and any savings, which appear to him to be appropriate in consequence of or otherwise in connection with—
  - (a) the functions of the Land Authority for Wales ceasing to exist under section 134,
  - (b) the transfer of the property, rights and liabilities of that Authority by section 136(1), or
  - (c) the abolition of that Authority.
- (4) An order under subsection (3) may include provisions in the form of amendments or repeals of any of sections 134 to 138 or any other enactment.

#### Commencement Information

- III** S. 139 wholly in force; s. 139 not in force at Royal Assent see s. 158; s. 139(3)(4) in force at 2.9.1998 and s. 139(1)(2) in force at 1.10.1998 by S.I. 1998/2244, arts. 3, 4

### *Housing for Wales*

### 140 Transfer of functions, property, staff etc. to Secretary of State.

- (1) The functions of Housing for Wales shall be transferred to the Secretary of State in accordance with the provisions of Schedule 16 which amends the enactments relating to that body for the purpose of—
  - (a) transferring its functions to the Secretary of State, and
  - (b) making provision consequential on the transfer.
- (2) There shall be transferred to and vest in the Secretary of State for Wales by virtue of this subsection all property, rights and liabilities to which Housing for Wales is entitled or subject when its functions are transferred to the Secretary of State in accordance with the provisions of Schedule 16.
- (3) A certificate issued by the Secretary of State that any property has been transferred by subsection (2) shall be conclusive evidence of the transfer.
- (4) Subsection (2) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.
- (5) Subsection (2) does not have effect to continue in force any contract of employment; but the Secretary of State may by order make provision for the transfer of staff of Housing for Wales.

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- (6) An order under subsection (5) may make any appropriate consequential, incidental, supplementary or transitional provisions or savings.

#### Commencement Information

**I12** S. 140 wholly in force; s. 140 not in force at Royal Assent see s. 158; s. 140(5)(6) in force at 2.9.1998 and s. 140(1)-(4) in force at 1.11.1998 by S.I. 1998/2244, arts. 3, 5

### 141 Transitional provisions.

- (1) Nothing in section 140 or Schedule 16, or in any repeal made by this Act, affects the validity of anything done by or in relation to Housing for Wales before its functions are transferred.
- (2) There may be continued by or in relation to the Secretary of State for Wales anything (including legal proceedings) which—
- (a) relates to any of the functions of Housing for Wales or to any property, rights or liabilities transferred by section 140(2), and
  - (b) is in the process of being done by or in relation to Housing for Wales when its functions are transferred.
- (3) Anything which—
- (a) was done by Housing for Wales for the purpose of or in connection with any of its functions or by Housing for Wales or the Housing Corporation for the purpose of or in connection with any property, rights or liabilities transferred by section 140(2), and
  - (b) is in effect immediately before its functions are transferred,
- shall have effect as if done by the Secretary of State for Wales.
- (4) The Secretary of State for Wales shall be substituted—
- (a) for Housing for Wales in any instruments, contracts or legal proceedings which relate to any of the functions of Housing for Wales and are made or commenced before its functions are transferred, and
  - (b) for Housing for Wales or the Housing Corporation in any instruments, contracts or legal proceedings which relate to any property, rights or liabilities transferred by section 140(2) and are so made or commenced.

### 142 Winding-down.

- (1) Housing for Wales shall give to the Secretary of State all the information, prepare all the documents and do all other things which appear to the Secretary of State appropriate for the purpose of facilitating—
- (a) the carrying into effect of sections 140, 141 and 143 and Schedule 16, or
  - (b) the exercise of any functions transferred to the Secretary of State by Schedule 16 or conferred or imposed on him by this section;
- and Housing for Wales may do anything else which appears to it appropriate for that purpose.
- (2) Housing for Wales shall comply with section 78(1) and (2) (annual reports) and section 97(1) to (3) (accounts) of the <sup>M7</sup>Housing Associations Act 1985—

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- (a) in relation to the last financial year ending before its functions are transferred (if it has not done so before then), and
  - (b) in relation to the period between the end of that financial year and the time when its functions are transferred (to which period those provisions shall apply as if it were a financial year).
- (3) As from the time when the functions of Housing for Wales are transferred, the Secretary of State shall make available to Housing for Wales such facilities as it may reasonably require for exercising its functions under this section.
- (4) Section 78(3) of the <sup>M8</sup>Housing Associations Act 1985 (duty of Secretary of State to lay reports before Parliament) shall apply in relation to a report made pursuant to subsection (2).
- (5) Section 97(4) of that Act (duty of Secretary of State to prepare accounts) shall, so far as it relates to Housing for Wales, apply in relation to the period between—
- (a) the end of the last financial year before its functions are transferred, and
  - (b) the time when its functions are transferred,
- as if it were a financial year.
- (6) The Secretary of State may pay to members of Housing for Wales—
- (a) any remuneration which he considers appropriate in respect of the performance of their duties as members of Housing for Wales after the time when its functions are transferred, and
  - (b) any allowances which he determines should be paid to them in respect of expenses properly incurred by them in the performance of those duties after that time.
- (7) The Secretary of State may determine that, as from the time when the functions of Housing for Wales are transferred or any later time, the number of members of Housing for Wales shall be reduced to a number which he considers appropriate (and may, accordingly, remove any such members from office).
- (8) The Secretary of State shall meet the costs of remunerating auditors and any other costs incurred by Housing for Wales in connection with the exercise of any of its functions under this section.

#### Commencement Information

**I13** S. 142 wholly in force; s. 142 not in force at Royal Assent see s. 158; s. 142(1)(7)(8) in force at 2.9.1998 and s. 142(2)-(6) in force at 1.11.1998 by S.I. 1998/2244, arts. 3, 5

#### Marginal Citations

**M7** 1985 c. 69.  
**M8** 1985 c. 69.

### 143 Abolition etc.

- (1) Housing for Wales shall cease to exist when the Secretary of State, being satisfied that its duties under section 142 have been discharged, by order so directs.
- (2) No amendment or repeal made by this Act or by virtue of subsection (3) affects—

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- (a) the continuance of Housing for Wales for the purpose of exercising its functions under section 142, or
  - (b) the continued operation for that purpose of any enactment relating to Housing for Wales.
- (3) The Secretary of State may by order make any consequential, incidental, supplementary or transitional provisions, and any savings, which appear to him to be appropriate in consequence of or otherwise in connection with—
  - (a) the transfer of functions, property, rights and liabilities of Housing for Wales by section 140(1) and (2) and Schedule 16, or
  - (b) the abolition of Housing for Wales.
- (4) An order under subsection (3) may include provisions in the form of amendments or repeals of sections 140 to 142, Schedule 16 or any other enactment.

#### Commencement Information

**114** S. 143 wholly in force; s. 143 not in force at Royal Assent see s. 158; s. 143(3)(4) in force at 2.9.1998 and s. 143(1)(2) in force at 1.10.1998 by S.I. 1998/2244, art. 3, 5

### Accountability

#### 144 Accounts, audit and reports.

- (1) The [<sup>F162</sup>Welsh Ministers] may by order make provision about—
  - (a) the accounts of any body specified in Part I or II of Schedule 17,
  - (b) the audit of any such body's accounts, or
  - (c) reports by any such body on its exercise of its functions.
- (2) An order under subsection (1) may not make any provision about, or about the audit of, [<sup>F163</sup>any accounts kept or prepared in pursuance of [<sup>F164</sup>paragraph 2 or 3 of Schedule 9 to the National Health Service (Wales) Act 2006] (requirement for Welsh NHS bodies to keep accounts or prepare annual accounts)] by any body specified in Part II of Schedule 17.
- (3) An order under subsection (1) may include provision imposing, varying or abolishing requirements in respect of any accounts or reports or the audit of any accounts and, in particular, may provide for—
  - [<sup>F165</sup>(a) the Permanent Secretary to the Welsh Assembly Government to designate accounting officers and to specify their responsibilities,]
  - (b) the preparation by a body of accounts extending to financial affairs and transactions of any undertaking (as defined in section 259(1) of the <sup>M9</sup>Companies Act 1985) of which the body is (or, if it were an undertaking as so defined, would be) a parent undertaking (within the meaning of section 258 of that Act),
  - (c) the granting to auditors, and persons considering reports by any auditor or body, of rights of access to documents and of rights to obtain information, explanations and assistance from persons holding or accountable for documents,
  - (d) the giving of directions by the [<sup>F166</sup>Welsh Ministers] , and
  - (e) the publication and public inspection of documents.

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- [<sup>F167</sup>(4) The Welsh Ministers may by order make provision for the Permanent Secretary to the Welsh Assembly Government to designate accounting officers of any body specified in Part 3 of Schedule 17 and to specify their responsibilities.
- (4A) An order under subsection (1) or (4) may not remove or restrict any function of the Comptroller and Auditor General.]
- [<sup>F168</sup>(5A) A statutory instrument containing an order under subsection (1) or (4), other than an order to which subsection (5B) applies, is subject to annulment in pursuance of a resolution of the Assembly.
- (5B) No order to which this subsection applies may be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.
- (5C) Subsection (5B) applies to an order under subsection (1) or (4) which contains provisions in the form of amendments or repeals of enactments contained in an Act of Parliament, Assembly Measure or Act of the Assembly.]
- (6) <sup>F169</sup> .....
- (7) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—
- (a) on behalf of the Committee of Public Accounts take evidence from a person designated in pursuance of subsection (3)(a) or (4) as an accounting officer of a body specified in Schedule 17, and
- (b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.
- (8) The [<sup>F170</sup>Welsh Ministers] may by order amend any of the Parts of Schedule 17 by—
- (a) adding any public body (other than [<sup>F171</sup>the National Assembly for Wales Commission,] the Auditor General for Wales, [<sup>F172</sup>Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru], [<sup>F173</sup>the Public Services Ombudsman for Wales] , [<sup>F174</sup>the Wales Centre for Health,][<sup>F175</sup>the Children’s Commissioner for Wales], [<sup>F176</sup>the Commissioner for Older People in Wales,]<sup>F177</sup> . . . a county council, a county borough council or a community council) whose functions relate exclusively to Wales or an area of Wales,
- (b) omitting any body, or
- (c) altering the description of any body.
- [<sup>F178</sup>(8ZA) No order under subsection (8) may be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.]
- (8A) <sup>F179</sup> .....
- (9) In this section—
- (a) “audit”, in relation to any accounts, includes their examination and certification and reporting on them or on any examination of them, <sup>F180</sup> . . .
- (b) “body” includes office.
- [<sup>F181</sup>(ba) “Permanent Secretary to the Welsh Assembly Government ” means the person appointed in accordance with section 52 of the Government of Wales Act 2006 to be the head of the staff of the Welsh Assembly Government (whether

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or not that person is known by the title of Permanent Secretary to the Welsh Assembly Government), ¶<sup>F182</sup> and

- (c) “ public body ” means—
- (i) a body exercising functions of a public nature, or
  - (ii) a body entirely or substantially funded from public money.]

### Textual Amendments

- F162** Words in s. 144(1) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(2)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F163** Words in s. 144(2) substituted (1.2.2007 for W.) by [Health Act 2006 \(c. 28\)](#), ss. 80, 83, **Sch. 8 para. 43** (with saving in [S.I. 2006/2603](#), art. 6): [S.I. 2007/204](#), art. 4(b) (with art. 5)
- F164** Words in s. 144(2) substituted (1.3.2007) by [Health Act 2006 \(c. 28\)](#), ss. 80, 83, **Sch. 8 para. 43** (as amended by National Health Service (Consequential Provisions) Act 2006 c. 43, Sch. 1 para. 298 (with Sch. 3, Pt. 1)); 2006 c. 43, s. 8(2)
- F165** S. 144(3)(a) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(3)(a)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F166** Words in s. 144(3)(d) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(3)(b)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F167** S. 144(4)(4A) substituted for s. 144(4) by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(4)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F168** S. 144(5A)-(5B) substituted for s. 144(5) by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(5)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F169** S. 144(6) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 45(6), {Sch. 12} (with Sch. 11), 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F170** Words in s. 144(8) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(7)(a)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F171** Words in s. 144(8)(a) inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(7)(b)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F172** Words in s. 144(8)(a) substituted (1.1.2001) by [2000 c. 21 s. 73\(3\)\(a\)](#); [S.I. 2000/3230](#), art. 2, **Sch.**
- F173** Words in s. 144(8)(a) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), ss. 39, 40, **Sch. 6 para. 66(a)**; [S.I. 2005/2800](#), art. 5(1)
- F174** Words in s. 144(8)(a) inserted (1.4.2005) by [Health \(Wales\) Act 2003 \(c. 4\)](#), ss. 7, 10(2), **Sch. 3 para. 11**; [S.I. 2003/2660](#), art. 3(2)
- F175** Words in s. 144(8)(a) inserted (13.11.2000) by [2000 c. 14, s. 72](#), **Sch. 2 para. 18**; [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

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- F176** Words in s. 144(8)(a) inserted (14.10.2006 for W.) by [Commissioner for Older People \(Wales\) Act 2006 \(c. 30\), ss. 1, 23, Sch. 1 para. 20; S.I. 2006/2699, art. 2](#)
- F177** Words in s. 144(8)(a) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\), ss. 39, 40, Sch. 6 para. 66\(b\), Sch. 7; S.I. 2005/2800, art. 5\(1\)](#)
- F178** S. 144(8ZA) inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(8)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F179** S. 144(8A) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 45(9), {Sch. 12} (with Sch. 11), the repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F180** Word in s. 144(9) repealed (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), ss. 72, 73, Sch. 4; S.I. 2005/558, art. 2, Sch. 1](#) (subject to Sch. 2)
- F181** Words in s. 144(9)(ba) inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(10)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F182** S. 144(9)(c) and word added (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), ss. 65\(3\), 73; S.I. 2005/558, art. 2, Sch. 1](#)

**Marginal Citations**

**M9** 1985 c. 6.

**145 Examinations into use of resources.**

- (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which a body or office specified in Schedule 17 has used its resources in discharging its functions.
- (2) Subsection (1) shall not be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of any body or office in respect of which an examination is carried out.
- (3) In determining how to exercise his functions under this section, the Auditor General for Wales shall take into account the views of the Audit Committee <sup>F183</sup> . . . as to the examinations which he should carry out under this section.
- (4) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by him under this section.
- (5) <sup>F184</sup> .....
- (6) The Comptroller and Auditor General shall—
  - (a) consult the Auditor General for Wales, and
  - (b) take into account any relevant work done or being done by the Auditor General for Wales,
 before he carries out an examination under section 6 or 7 of the <sup>M10</sup>National Audit Act 1983 (economy etc. examinations) in respect of a body or office specified in Schedule 17.

[<sup>F185</sup>(7) This section is without prejudice to the power conferred on the Auditor General for Wales by [<sup>F186</sup>paragraph 18(3)(b) of Schedule 8 to the Government of Wales Act



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2006 (agreement between a person and the Welsh Ministers etc. to permit the Auditor General to carry out an examination into the discharge of functions by that person)] .]

#### Textual Amendments

- F183** Words in s. 145(6) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 46(2), {Sch. 12} (with Sch. 11), 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F184** S. 145(5) repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 72, 73, Sch. 2 para. 47(1)(2), Sch. 4; S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)
- F185** S. 145(7) inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 73, Sch. 2 para. 47(1)(3); S.I. 2005/558, art. 2, Sch. 1
- F186** Words in s. 145(7) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 46(3)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

#### Marginal Citations

- M10** 1983 c. 44.

#### [<sup>F187</sup>145A] Studies for improving economy etc in services

- (1) The Auditor General for Wales may undertake or promote studies designed to enable him to make recommendations for improving economy, efficiency and effectiveness in the discharge of the functions of any relevant body or bodies.
- (2) The Auditor General for Wales may also undertake or promote other studies relating to the provision of services by any relevant body or bodies.
- (3) Subsections (1) and (2) do not entitle the Auditor General for Wales to question the merits of the policy objectives of any relevant body.
- (4) In determining how to exercise his functions under this section, the Auditor General for Wales shall take into account the views of the Audit Committee as to the studies which he should undertake or promote under this section.
- (5) For the purposes of this section each of the following is a "relevant body"—
  - [<sup>F188</sup>(a) a person who prepares accounts or statements of accounts falling to be examined by the Auditor General for Wales in accordance with any provision made by or under this or any other Act;]
  - (b) any other person (other than a local government body in Wales) in relation to whom, by virtue of provision made by or under this or any other Act, the Auditor General for Wales carries out examinations or studies relating to the economy, efficiency and effectiveness with which that person has used his resources in discharging his functions;
  - (c) a person (other than a registered social landlord in Wales) in respect of whom the Auditor General for Wales has functions by virtue of provision made under section 146A.
- (6) Where the Auditor General for Wales undertakes or promotes a study under this section he may arrange for a report containing—
  - (a) the results of the study, and

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(b) his recommendations (if any),  
 to be laid before the Assembly.

(7) In this section—

“local government body in Wales” has the meaning given in section 12(1) of the Public Audit (Wales) Act 2004; and

“registered social landlord in Wales” has the meaning given in section 146A(2).]

#### Textual Amendments

**F187** S. 145A inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 3, 73; S.I. 2005/558, art. 2, Sch. 1

**F188** S. 145A(a) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 47} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

#### [<sup>F189</sup>145B] Studies at request of educational bodies

(1) The Auditor General for Wales may undertake studies designed to enable him to make recommendations for improving economy, efficiency and effectiveness in the discharge of the functions of a body specified in the first column of the Table, if requested to do so by the body (or one of the bodies) specified in relation to it in the second column of the Table.

<i>Subject of study</i>	<i>Requesting body</i>
The governing body of an institution in Wales within the higher education sector.	The governing body or the Higher Education Funding Council for Wales.
[ <sup>F190</sup> The governing body of an institution in Wales receiving financial support under section 86 of the Education Act 2005 from the Higher Education Funding Council for Wales.	The governing body or the appropriate funding agency.
A training provider (within the meaning of Part 3 of the Education Act 2005) receiving financial support under section 78 of that Act from the Training and Development Agency for Schools, except where that financial support is wholly derived from grants made to the Agency by the Secretary of State.	The training provider or the Training and Development Agency for Schools.]
The governing body of an institution in Wales within the further education sector.	The governing body or [ <sup>F191</sup> the Assembly] .

[ The Auditor General for Wales may, if requested to do so by the Training and  
<sup>F192</sup>(1A) Development Agency for Schools, undertake studies designed to enable him to

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- make recommendations for improving economy, efficiency and effectiveness in the discharge by the Agency of their functions relating to Wales.]
- (2) [<sup>F193</sup>Subsections (1) and (1A) do] not entitle the Auditor General for Wales to question the merits of the policy objectives of a body.
- (3) Where the Auditor General for Wales undertakes a study under subsection (1) [<sup>F194</sup>or (1A)] he may, with the consent of the body that requested the study, arrange for a report containing—
- (a) the results of the study, and
  - (b) his recommendations (if any),
- to be laid before the Assembly.
- (4) The Auditor General for Wales may, at the request of the Higher Education Funding Council for Wales, give the council advice in connection with the discharge of the council's functions under section 124B(2)(b) of the Education Reform Act 1988 or paragraph 18(2)(b) of Schedule 7 to that Act.
- (5) The Auditor General for Wales may, at the request of a higher education corporation or further education corporation in Wales—
- (a) advise them in connection with the appointment of persons to audit their accounts;
  - (b) arrange for their accounts for a financial year to be audited by one or more members of the staff of the Auditor General for Wales appointed by the corporation.
- (6) In subsection (5)—
- (a) “higher education corporation” and “further education corporation” have the same meaning as in the Further and Higher Education Act 1992;
  - (b) references to the accounts of a higher education corporation include references to a statement of accounts prepared by the corporation under section 124B of the Education Reform Act 1988 or paragraph 18 of Schedule 7 to that Act.
- (7) This section must be construed as one with the Education Act 1996; and references in any enactment to the Education Acts include this section.]

#### Textual Amendments

**F189** S. 145B inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 4, 73; S.I. 2005/558, art. 2, Sch. 1

**F190** S. 145B(1) Table: entry substituted (1.9.2005) by Education Act 2005 (c. 18), ss. 98, 125, Sch. 14 para. 21(2)

**F191** Words in s. 145B(1) Table substituted (1.4.2006) by The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), arts. 1, 9(1), Sch. 1 para. 43 (with art. 7)

**F192** S. 145B(1A) inserted (1.9.2005) by Education Act 2005 (c. 18), ss. 98, 125, Sch. 14 para. 21(3)

**F193** Words in s. 145B(2) substituted (1.9.2005) by Education Act 2005 (c. 18), ss. 98, 125, Sch. 14 para. 21(4)

**F194** Words in s. 145B(3) inserted (1.9.2005) by Education Act 2005 (c. 18), ss. 98, 125, Sch. 14 para. 21(5)

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## [<sup>F195</sup>145C] Studies relating to registered social landlords

- (1) The [<sup>F196</sup>Welsh Ministers] and the Auditor General for Wales may agree on one or more programmes of studies designed to enable the Auditor General for Wales to make recommendations for improving economy, efficiency and effectiveness in the discharge of the functions of registered social landlords in Wales.
- (2) If a programme is agreed, the Auditor General for Wales shall ensure that studies giving effect to the programme are undertaken by him or on his behalf.
- (3) It shall be a term of every such programme that the [<sup>F197</sup>Welsh Ministers] make good to the Auditor General for Wales the full costs incurred by him in undertaking the programme.
- (4) This section does not entitle the Auditor General for Wales to question the merits of the policy objectives of a registered social landlord in Wales.
- (5) Where a study is undertaken under this section by the Auditor General for Wales or on his behalf, he may arrange for a report containing—
  - (a) the results of the study, and
  - (b) his recommendations (if any),
 to be laid before the Assembly.
- (6) A person commits an offence if without reasonable excuse he fails to comply with a requirement imposed under [<sup>F198</sup>paragraph 17(3)(a) or (b) of Schedule 8 to the Government of Wales Act 2006 (requirement to give assistance, information or explanation to the Auditor General for Wales)] in relation to a study under this section.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) The Auditor General for Wales may disclose to the [<sup>F199</sup>Welsh Ministers] information obtained by him or a person acting on his behalf in the course of a study under this section.
- (9) “Registered social landlord in Wales” means a body which is—
  - (a) registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996, and
  - (b) mentioned in any of paragraphs (a) to (c) of section 56(2) of that Act.]

### Textual Amendments

**F195** S. 145C inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), **ss. 5, 73**; [S.I. 2005/558](#), **art. 2**, **Sch. 1**

**F196** Words in s. 145C(1) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 48(2)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

**F197** Words in s. 145C(3) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 48(3)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

**F198** Words in s. 145C(6) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 48(4)} (with Sch. 11), the amending provision coming into force immediately after the end of

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"the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)  
- see ss. 46, 161(4)(c)(5) of the amending Act

**F199** Words in s. 145C(8) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 48(4)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

VALID FROM 31/01/2008

**[<sup>F200</sup>145D] Advice and assistance for registered social landlords**

- (1) The Auditor General for Wales may, if he thinks it appropriate to do so, provide advice or assistance to a registered social landlord in Wales for the purpose of the exercise by the registered social landlord of its functions.
- (2) Advice or assistance under this section may be provided on such terms and conditions, including conditions as to payment, as the Auditor General for Wales thinks fit.
- (3) This section has effect without prejudice to paragraph 21 of Schedule 8 to the Government of Wales Act 2006 (arrangements between Auditor General for Wales and certain bodies).
- (4) In this section, "registered social landlord in Wales" means a body which is—
  - (a) registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996, and
  - (b) mentioned in any of paragraphs (a) to (c) of section 56(2) of that Act.]

**Textual Amendments**

**F200** S. 145D inserted (E.W.) (31.1.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), ss. 166, 245; S.I. 2008/172, art. 2(g) (as amended by S.I. 2008/337, art. 3)

**146 Transfer etc. of functions of Comptroller and Auditor General.**

- (1) The Secretary of State may by order provide for any function of the Comptroller and Auditor General, so far as relating to a body or office falling within subsection (2), to be transferred to, or become a function also of, the Auditor General for Wales.
- (2) The bodies and offices falling within this subsection are—
  - (a) any body or office specified in Schedule 17, and
  - (b) any body or office (other than one specified in Schedule 17) whose functions relate exclusively to Wales or an area of Wales (but not the Auditor General for Wales, [<sup>F201</sup>Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru], [<sup>F202</sup>the Public Services Ombudsman for Wales], <sup>F203</sup> . . . a county council, a county borough council or a community council).

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- (3) An order under subsection (1) may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).
- (4) An Order in Council under section [F204]58 of the Government of Wales Act 2006] may include any provision that may be included in an order under subsection (1).

#### Textual Amendments

- F201** Words in s. 146(2)(b) substituted (1.1.2001) by 2000 c. 21, s. 73(3)(a); S.I. 2000/3230, art. 2, Sch.
- F202** Words in s. 146(2)(b) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 6 para. 67(a); S.I. 2005/2800, art. 5(1)
- F203** Words in s. 146(2)(b) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 6 para. 67(b), Sch. 7; S.I. 2005/2800, art. 5(1)
- F204** Words in s. 146(4) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 49} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

#### [F206]146A Transfer etc of functions of [F205]Welsh Ministers]

- (1) The [F207]Welsh Ministers] may, with the consent of the Auditor General for Wales, by order provide for any of [F208]their] supervisory functions in respect of a public body or a registered social landlord in Wales—
  - (a) to be exercised on [F208]their] behalf by the Auditor General for Wales, or
  - (b) to be transferred to the Auditor General for Wales.
- (2) In this section—
 

“public body” means—

  - (a) a body exercising functions of a public nature, or
  - (b) a body entirely or substantially funded from public money,

(and for this purpose “body” includes office);

“registered social landlord in Wales” means a body which is—

  - (a) registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996, and
  - (b) mentioned in any of paragraphs (a) to (c) of section 56(2) of that Act;

“supervisory functions”, in respect of a public body or a registered social landlord in Wales, means functions of examining, inspecting, reviewing or studying the financial or other management of the public body or registered social landlord or the way in which it discharges any of its functions.
- (3) The [F209]Welsh Ministers] may direct the Auditor General for Wales to prepare a report on his exercise, generally or in respect of a specific body or matter, of any function transferred to him by an order under subsection (1)(b).
- (4) The Auditor General for Wales must lay before the Assembly any report prepared by him in accordance with a direction under subsection (3).
- (5) An order under subsection (1) may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).

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[ No order under subsection (1) may be made unless a draft of the statutory instrument <sup>F210</sup>(6) containing it has been laid before, and approved by resolution of, the Assembly.]]

#### Textual Amendments

- F205** Words in s. 146A heading substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 50(5)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F206** S. 146A inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 1, 73; S.I. 2005/558, art. 2, Sch. 1
- F207** Words in s. 146A(1) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 50(2)(a)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F208** Words in s. 146A(1) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 50(2)(b)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F209** Words in s. 146A(3) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 50(3)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) (subject to s. 161(6)) of the amending Act
- F210** S. 146A(6) inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 50(4)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

#### 147 Environment Agency.

- (1) The Secretary of State may by order—
- make provision for any function of the Comptroller and Auditor General relating to the Environment Agency to become a function also of the Auditor General for Wales so far as it relates to any of the Agency's Welsh functions or to any funding provided to the Agency by the [<sup>F211</sup>Welsh Ministers] , or
  - make provision about reports to the Assembly by the Environment Agency on the Agency's activities in exercise of its Welsh functions (including provision for the giving of directions by the Assembly about such reports).
- (2) An order under subsection (1) may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).
- (3) An Order in Council under section [<sup>F212</sup>58 of the Government of Wales Act 2006] may include any provision that may be included in an order under subsection (1).
- (4) In this section references to the Environment Agency's Welsh functions are to its functions so far as exercisable in relation to Wales or to a cross-border body, or an English border area, in relation to which environmental functions of the [<sup>F213</sup>Welsh Ministers] are exercisable; and "environmental functions of the [<sup>F213</sup>Welsh Ministers]" means functions of the [<sup>F213</sup>Welsh Ministers] in a field in which the Environment Agency also has functions.

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**Textual Amendments**

**F211** Words in s. 147(1) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 51(2)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

**F212** Words in s. 147(3) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 51(3)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

**F213** Words in s. 147(4) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 51(4)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

*Miscellaneous*

**148 Health Authorities.**

F214 .....

**Textual Amendments**

**F214** S. 148 repealed (1.10.2002 for E.W.) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), s. 37, [Sch. 8 para. 27](#), [Sch. 9 Pt. 3](#); S.I. 2002/2478, arts. 2(1), [3\(1\)\(e\)\(ii\)](#) (subject to [art. 3\(3\)](#) and with transitional provisions in [art. 4](#)) (S.I. 2002/2532, arts. 1(3), 2, [Sch.](#) purports to bring Sch. 8 para. 27 of the repealing Act into force on 10.10.2002 in relation to Wales only)

**149 Agricultural wages committees.**

In section 2 of the <sup>M11</sup>Agricultural Wages Act 1948 (agricultural wages committees for counties and combinations of counties), in the proviso to subsection (1) (exceptions to proposition that there be one committee for each county in England and Wales), at the end insert “and

- (c) there may, if the Minister thinks it expedient, be established as aforesaid a committee for the combination of all the counties in Wales instead of separate committees for counties or combinations of counties in Wales.”

**Marginal Citations**

M11 1948 c. 47.

**150 Abolition of Residuary Body for Wales.**

(1) Paragraph 18 of Schedule 13 to the <sup>M12</sup>Local Government (Wales) Act 1994 (provisions for winding up of Residuary Body for Wales) is amended as follows.



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- (2) In sub-paragraph (2) (meaning of “the transitional period” within which the Residuary Body must try to complete its work and at the end of which it is to be wound up), for “period of five years beginning with the establishment of the Residuary Body” substitute “period beginning with the establishment of the Residuary Body and ending with 31st March 1999”.
- (3) Omit—
- (a) in sub-paragraph (3), “Subject to sub-paragraph (4),”, and
  - (b) sub-paragraph (4),
- (under which the Secretary of State may specify a period longer than the transitional period as the period at the end of which the Residuary Body is to be wound up).
- (4) For sub-paragraphs (5) to (7) (duty of Residuary Body to submit scheme for its winding up and to make arrangements for transfers etc. and power of Secretary of State to make orders) substitute—
- “(5) The Residuary Body shall, before the end of the period of three months beginning with the day on which the Government of Wales Act 1998 is passed, submit to the Secretary of State a scheme for the winding up of the Residuary Body.
- (6) The scheme shall include in relation to the Residuary Body’s remaining functions, property, rights and liabilities—
- (a) a statement of arrangements made by the Residuary Body for their transfer by the Residuary Body to another body or bodies,
  - (b) proposals for their transfer by the Secretary of State to another body or bodies, or
  - (c) such a statement in relation to some of them and such proposals in relation to the rest.
- (7) The Secretary of State may by order make provision for giving effect to the scheme (with or without modifications) and for the transfer of functions, property, rights and liabilities of the Residuary Body to another body or bodies (whether or not as proposed in the scheme).”

**Marginal Citations**

M12 1994 c. 19.

**PART VII**

SUPPLEMENTARY

**151 Power to amend enactments.**

- (1) The Secretary of State may by order make in any enactment—
- (a) contained in an Act passed before or in the same session as this Act, or
  - (b) made before the passing of this Act or in the session in which this Act is passed,

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such amendments or repeals as appear to him to be appropriate in consequence of this Act.

- (2) An Order in Council under section [F215 58 of the Government of Wales Act 2006] may include any provision that may be included in an order under subsection (1).

**Textual Amendments**

**F215** Words in s. 151(2) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 52} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

**152 Repeals.**

Schedule 18 (which contains repeals, including repeals of spent enactments) has effect.

**Commencement Information**

**I15** S. 152 partly in force; S. 152 not in force at Royal Assent, see s. 158; s. 152 in force for certain purposes at 2.9.1998, 1.10.1998, and 1.11.1998 by S.I. 1998/2244, arts. 3, 4, 5; s. 152 in force for certain purposes at 1.2.1999 by S.I. 1999/118, art. 2; s. 152 in force for certain purposes at 1.4.1999 by S.I. 1999/782, art. 2; s. 152 in force for certain purposes at 1.7.1999 by S.I. 1999/1290, art. 4

**153 Transitional provisions etc.**

- (1) The Secretary of State may by order make such transitional, consequential, incidental or supplementary provision, or such savings, as he considers appropriate for the purpose of or in connection with the coming into force of any provision of this Act.
- (2) If section 107 comes into force before the Human Rights Act 1998 has come into force (or come fully into force), that section shall have effect until the time when that Act is fully in force as it will have effect after that time.

**154 Orders and directions.**

- (1) Any power of a Minister of the Crown or the [F216 Welsh Ministers] under this Act to make an order shall be exercisable by statutory instrument.
- (2) No order to which this subsection applies shall be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.
- (3) Subsection (2) applies—
  - (a) F217 .....
  - (b) to an order under section F218 ... 133(3), 139(3), 143(3), F219 ... 146(1), 147(1) or 151 or paragraph 1 of Schedule 7 which contains provisions in the form of amendments or repeals of enactments contained in an Act.
- (4) F220 .....

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- (5) A statutory instrument containing an order to which this subsection applies shall (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Subsection (5) applies—
- (a) to an order under section <sup>F221</sup> . . . 130(4), 133(3), 136(4), 139(3), 140(5), 143(3), <sup>F222</sup> . . . 146(1), 147(1), 151 or 153, paragraph 2 of Schedule 6, paragraph 1 of Schedule 7 <sup>F223</sup> . . . , <sup>F224</sup> . . .
  - (b) <sup>F225</sup> . . . . .
- (7) <sup>F226</sup> . . . . .
- (8) Any power conferred by this Act to give a direction includes power to vary or revoke the direction.

#### Textual Amendments

- F216** Words in s. 154(1) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 53(2)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) (subject to s. 161(6)) of the amending Act
- F217** Words in s. 154(3)(a) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(3)(a), {Sch. 12} (with Sch. 11), the repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F218** Words in s. 154(3)(b) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(3)(b)(i), {Sch. 12} (with Sch. 11), the repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F219** Words in s. 154(3)(b) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(3)(b)(ii), {Sch. 12} (with Sch. 11), the repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F220** S. 154(4) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(4), {Sch. 12} (with Sch. 11), the repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F221** Words in s. 154(6)(a) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(5)(a)(i), {Sch. 12} (with Sch. 11), the repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F222** Words in s. 154(6)(a) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(5)(a)(ii), {Sch. 12} (with Sch. 11), the repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F223** Words in s. 154(6)(a) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(5)(a)(iii), {Sch. 12} (with Sch. 11), the repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F224** Word in s. 154(6)(a) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(5)(a)(iii), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately

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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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act

**F225** S. 154(6)(b) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(5)(b), {Sch. 12} (with Sch. 11), the repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act

**F226** S. 154(7) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(6), {Sch. 12} (with Sch. 11), the repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act

## 155 Interpretation.

(1) In this Act—

<sup>F227</sup> .....

<sup>F227</sup> .....

[<sup>F228</sup>“the Assembly” means the National Assembly for Wales,]

[<sup>F229</sup>“Audit Committee” has the meaning given by section 30 of the Government of Wales Act 2006,]

[<sup>F230</sup>“cross-border body” means any body (including a government department) or undertaker exercising functions, or carrying on activities, in or with respect to Wales (or any part of Wales) and anywhere else,]

[<sup>F231</sup>“English border area” means a part of England adjoining Wales (but not the whole of England),]

“enactment” includes subordinate legislation,

“functions” includes powers and duties,

“Minister of the Crown” includes the Treasury,

“subordinate legislation” has the same meaning as in the <sup>M13</sup>Interpretation Act 1978, and

[<sup>F232</sup>“Wales” has the same meaning as in the Government of Wales Act 2006;]

and related expressions shall be construed accordingly.

(2) <sup>F233</sup> .....

(3) In this Act “financial year” means the twelve months ending with 31st March <sup>F234</sup> . . . .

(4) Section 13 of the <sup>M14</sup>National Audit Act 1983 (interpretation of references to the Committee of Public Accounts) applies for the purposes of this Act as for those of that Act.

### Textual Amendments

**F227** S.155(1): the definitions of "Community Law and delegate" repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 54(3), {Sch. 12} (with Sch. 11), the repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act

**F228** S. 155(1): the definition of "the Assembly" inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 54(2)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

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- F229** S. 155(1): the definition " Audit Committee" inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 54(2)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F230** S. 155(1): the definition "cross-border body" inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 54(2)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F231** S. 155(1): the definition " English border area" inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 54(2)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F232** S. 155(1): the definition "Wales" substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 54(2)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act
- F233** S. 155(2) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 54(5), {Sch. 12} (with Sch. 11), the amending/ repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F234** Words in s. 155(3) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(6), {Sch. 12} (with Sch. 11), the repealing 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 ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act

**Marginal Citations**

- M13** 1978 c. 30.  
**M14** 1983 c. 44.

**156 Defined expressions.**

**F235** .....

**Textual Amendments**

- F235** S. 156 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the repealing provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

**157 Financial provisions.**

- (1) There shall be paid out of money provided by Parliament—
- (a) any expenditure incurred by any Minister of the Crown or government department under or by virtue of this Act, and
  - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

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**Status:** Point in time view as at 25/05/2007. This version of this Act contains provisions that are not valid for this point in time.

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- (2) There shall be paid out of the National Loans Fund any increase attributable to this Act in the sums payable out of that Fund under any other enactment.
- (3) There shall be paid into the National Loans Fund any increase attributable to this Act in the sums payable into that Fund under any other enactment.
- (4) There shall be paid into the Consolidated Fund any sums received by the Secretary of State under or by virtue of this Act (apart from any required to be paid into the National Loans Fund).

## 158 Commencement.

- (1) Parts I and II, the provisions of Part III other than sections 50 and 51, Parts IV to VI and section 152 (and Schedule 18) shall not come into force until such day as the Secretary of State may by order appoint.
- (2) Different days may be appointed under this section for different purposes.

### Subordinate Legislation Made

- P1** [S. 158](#) power partly exercised: different dates appointed for specified provisions by [S.I. 1998/2244](#)  
[S. 158](#) power partly exercised: 1.12.1998 appointed for specified provisions by [S.I. 1998/2789](#)  
[S. 158](#) power partly exercised: 1.2.1999 appointed for specified provisions by [S.I. 1999/118](#)  
[S. 158](#) power partly exercised: 1.4.1999 appointed for specified provisions by [S.I. 1999/782](#)  
[S. 158](#) power partly exercised: different dates appointed for specified provisions by [S.I. 1999/1290](#)  
[S. 158](#) power partly exercised: 14.5.2001 appointed for specified provisions by [S.I. 2001/1756](#)

## 159 Short title.

This Act may be cited as the Government of Wales Act 1998.

**Status:** Point in time view as at 25/05/2007. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Government of Wales Act 1998 is up to date with all changes known to be in force on or before 22 March 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)

## SCHEDULES

### F236F236 SCHEDULE 1

#### Textual Amendments

**F236** Schs. 1-3 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the repealing provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

### F237F237 SCHEDULE 2

#### Textual Amendments

**F237** Schs. 1-3 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the repealing provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

### F238F238 SCHEDULE 3

#### Textual Amendments

**F238** Schs. 1-3 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

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## SCHEDULE 4

Section 28.

### PUBLIC BODIES SUBJECT TO REFORM BY ASSEMBLY

#### Commencement Information

**I16** Sch. 4 in force at 1.12.1998 by S.I. 1998/2789, art. 2

### PART I

#### BODIES WHICH MAY LOSE OR GAIN FUNCTIONS

- |   |   |
|---|---|
| 1 | An agricultural dwelling-house advisory committee for an area wholly in, or consisting of, Wales. |
| 2 | An agricultural wages committee for an area wholly in, or consisting of, Wales.                   |
| 3 | <b>F240</b> . . . .   |

#### Textual Amendments

**F240** Sch. 4 Pt. 1 para. 3: entry relating to "Ancient Monument Board for Wales" repealed (1.4.2006) by [The Ancient Monuments Board for Wales \(Abolition\) Order 2006 \(S.I. 2006/64\)](#), art. 3(1)(b)(ii)

**[<sup>F241</sup>3A** The Care Council for Wales.]

#### Textual Amendments

**F241** Sch. 4 para. 3A inserted (1.4.2001) by 2000 c. 14, ss. 6, 54, 66, [Sch. 1 para. 27\(b\)](#); S.I. 2000/2992, art. 2(2)

- |   |  |
|---|--|
| 4 | The committee established under section 11 of the <sup>M25</sup> Environment Act 1995 to advise about the carrying out in Wales of the Environment Agency's functions. |
|---|--|

#### Marginal Citations

**M25** 1995 c. 25.

- |   |                       |
|---|-----------------------|
| 5 | <b>F242</b> . . . . . |
|---|-----------------------|

#### Textual Amendments

**F242** Sch. 4 para. 5 omitted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), arts. 1, 9(1), [Sch. 1 para. 44](#) (with art. 7)

- |   |                       |
|---|-----------------------|
| 6 | <b>F243</b> . . . . . |
|---|-----------------------|



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**Textual Amendments**

**F243** Sch. 4 para. 6 repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 107, 105(1)(2), Sch. 11 para. 149, **Sch. 12**; S.I. 2006/2541, **art. 2**

7 **F244** . . .

**Textual Amendments**

**F244** Sch. 4 Pt. 1 para. 7: entry relating to "The Historic Building Council for Wales" repealed (1.10.2006) by The Historic Buildings Council for Wales (Abolition) Order 2006 (S.I. 2006/63), **art. 3(1)(c)(ii)**

8 The Library Advisory Council for Wales (known as the Library and Information Services Council (Wales)).

9 **F245** . . . . .

**Textual Amendments**

**F245** Sch. 4 para. 9 omitted (1.4.2006) by virtue of The Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1, **Sch. 1 para. 28**

10 The Wales Tourist Board.

11 The Welsh Development Agency.

12 The Welsh Industrial Development Advisory Board.

13 The Welsh Language Board.

**PART II**

BODIES WHICH MAY LOSE FUNCTIONS OR GAIN FUNCTIONS WITH CONSENT

14 The committees referred to in section 19(1) of, or paragraph 1(1)(a) or (b) of Schedule 6 to, the <sup>M26</sup>National Health Service Act 1977 (advisory committees for Wales).

**Marginal Citations**

**M26** 1977 c. 49.

**PART III**

BODIES WHICH MAY ONLY GAIN FUNCTIONS

15 The Countryside Council for Wales.

16 The Higher Education Funding Council for Wales.

17 **F246** . . . . .

*Status:* Point in time view as at 25/05/2007. This version of this Act contains provisions that are not valid for this point in time.

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**Textual Amendments**

**F246** Sch. 4 Pt. 3 para. 17 omitted by virtue of [The Nursing and Midwifery Order 2001 \(S.I. 2002/253\)](#), [art. 54\(3\)](#), [Sch. 5 para. 15](#) (with [art. 3\(18\)](#)) (the amendment coming into force in accordance with [art. 1\(2\)\(3\)](#) of the amending S.I.)

**PART IV**

BODIES WHICH MAY ONLY GAIN FUNCTIONS AND ONLY WITH CONSENT

- 18 The Arts Council of Wales.
- 19 The National Library of Wales.
- 20 The National Museum of Wales.
- 21 The Royal Commission on Ancient and Historical Monuments of Wales.
- 22 The Sports Council for Wales.

<sup>F247</sup>SCHEDULE 5

**Textual Amendments**

**F247** Sch. 5 repealed by [Government of Wales Act 2006 \(c. 32\)](#), [ss. 161, 163](#), [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) (which provides for certain provisions to come into force for specified purposes 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)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**Commencement Information**

**I17** Sch. 5 in force at 1.12.1998 by [S.I. 1998/2789](#), [art. 2](#)

.....  
1 The bodies specified in Schedule 4.

.....  
2 The Advisory Committee on Pesticides.

.....  
3 The Committee on Agricultural Valuation.

.....  
4 The Agricultural Wages Board for England and Wales.

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.....

5           The Apple and Pear Research Council.

.....

6           The Committee on Aquaculture Research and Development.

.....

7           The Audit Commission for Local Authorities and the National Health Service in England and Wales.

7A          .....

.....

8           The British Tourist Authority.

.....

9           The British Waterways Board.

.....

10          The British Wool Marketing Board.

.....

11          .....

.....

12          The Clinical Standards Advisory Group.

.....

12A        The Commission for Healthcare Audit and Inspection.

.....

13          A Community Health Council . . . .

.....

14          The Standing Dental Advisory Committee.

.....

15          The Dental Practice Board.

.....

*Status: Point in time view as at 25/05/2007. This version of this Act contains provisions that are not valid for this point in time.*

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16 The Committee on Dental and Surgical Materials.

.....

17 The Environment Agency.

.....

18 The Family Health Services Appeal Authority.

.....

19 Food from Britain.  
Food Standards Agency.  
Food Standards Agency advisory committee for Wales.

.....

20 .....

.....

20A The Health Protection Agency.

.....

21 .....

.....

22 The Home Grown Cereals Authority.

.....

23 The Horticultural Development Council.

.....

24 The Joint Nature Conservation Committee.

.....

25 The Local Government Boundary Commission for Wales.

.....

25A A Local Health Board.

.....

26 The Meat and Livestock Commission.

*Status:* Point in time view as at 25/05/2007. This version of this Act contains provisions that are not valid for this point in time.

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.....  
27 The Standing Medical Advisory Committee.

.....  
28 The Mental Health Act Commission.

.....  
29 The Milk Development Council.

.....  
30 The Museums and Galleries Commission.

.....  
31 The National Biological Standards Board.

.....  
32 A National Health Service trust all or some of whose hospitals, establishments or other facilities are situated in Wales.

.....  
33 The Trustees of the National Heritage Memorial Fund.

.....  
34 <sup>F254</sup> .....

.....  
**Textual Amendments**  
**F254** Sch. 5 para. 34 repealed (1.12.2006) by [National Lottery Act 2006 \(c. 23\)](#), ss. 21, 22, [Sch. 3](#); S.I. [2006/3201](#), [art. 2\(e\)](#)

.....  
35 .....

.....  
36 The Standing Nursing and Midwifery Advisory Committee.

.....  
37 The Standing Pharmaceutical Advisory Committee.

.....

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- 38           The Potato Industry Development Council (known as the British Potato Council).
- .....
- 39           .....
- .....
- 40           The Residuary Milk Marketing Board.
- .....
- 41           The Sea Fish Industry Authority.
- .....
- 42           A Special Health Authority performing functions only or mainly in respect of Wales.
- .....
- 43           The Sugar Beet Research and Education Committee.
- .....
- 44           The United Kingdom Sports Council.
- .....
- 45           The United Kingdom Transplant Support Service Authority.
- .....
- 46           The Wales Centre for Health.

## SCHEDULE 6

Section 104.

[<sup>F257</sup>HER MAJESTY’S CHIEF INSPECTOR OF EDUCATION AND TRAINING IN WALES OR  
 PRIF AROLYGYDD EI MAWRHYDI DROS ADDYSG A HYFFORDDIANT YNG NGHYMRU]

### Textual Amendments

**F257** Words in Heading to Sch. 6 substituted (1.1.2001) by 2000 c. 21 s. 73(3)(a); S.I. 2000/3230, art. 2, Sch.

### Modifications etc. (not altering text)

**C4** Sch. 6 restricted (16.2.2000) by S.I. 2000/253, arts. 1(2), 11

## *Interpretation*

1           In this Schedule—

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“the Chief Inspector” means [<sup>F258</sup>Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru], and

“the Office of the Chief Inspector” means the Chief Inspector and the persons who [<sup>F259</sup>(in accordance with section 19(3) of, and Schedule 2 to, the Education Act 2005)] are members of his staff.

#### Textual Amendments

**F258** Words in Sch. 6 para. 1 substituted (1.1.2001) by 2000 c. 21 s. 73(3)(a); S.I. 2000/3230, art. 2, Sch.

**F259** Words in Sch. 6 para. 1 substituted (1.9.2006 for E.W.) by Education Act 2005 (c. 18), ss. 61, 125, Sch. 9 para. 22; S.I. 2006/1338), {art. 4}, Sch. 2 (with Sch. 4)

#### *Status of the Office of the Chief Inspector*

- 2 The Secretary of State may by order provide that the Office of the Chief Inspector is, for the purposes of the enactments specified in the order, to be treated as if it were a government department.

#### *Status of the Chief Inspector and his staff*

- 3 (1) Despite the provision made by section 104—
- (a) the functions of the Chief Inspector and his staff shall continue to be regarded as exercised on behalf of the Crown, and
  - (b) service as a member of the Chief Inspector’s staff shall continue to be service in Her Majesty’s Home Civil Service.
- (2) Whether service as the Chief Inspector is service in Her Majesty’s Home Civil Service shall continue to be a matter which falls to be determined in accordance with the terms of the Chief Inspector’s appointment, but the Chief Inspector shall in any event be a person to whom section 1 of the <sup>M27</sup>Superannuation Act 1972 (superannuation schemes for civil servants) applies.

#### Marginal Citations

**M27** 1972 c. 11.

#### *Receipts*

- 4 (1) The Treasury may direct that any requirement that sums be paid into the Consolidated Fund shall not have effect in relation to sums received by the Chief Inspector if the sums are, or are of a description, specified in the direction.
- (2) Any sums received by the Chief Inspector which are not required to be paid into the Consolidated Fund shall be applied by him towards meeting his expenses.

#### *Accounts*

- 5 (1) The Chief Inspector shall keep proper accounting records.

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- (2) The Chief Inspector shall, for each financial year, prepare accounts in accordance with directions given to him by the Treasury.
- (3) The directions which the Treasury may give under sub-paragraph (2) include, in particular, directions as to—
  - (a) the information to be contained in the accounts and the manner in which it is to be presented,
  - (b) the methods and principles in accordance with which the accounts are to be prepared, and
  - (c) the additional information (if any) that is to accompany the accounts.

#### *Audit*

- 6 (1) The accounts prepared by the Chief Inspector for any financial year shall be submitted by him to the Auditor General for Wales [<sup>F260</sup>no later than 30th November of the following financial year].
- (2) The Auditor General for Wales shall—
  - (a) examine and certify any accounts submitted to him under this paragraph, and
  - (b) no later than four months after the accounts are submitted to him, lay before the Assembly a copy of them as certified by him together with his report on them.
- (3) In examining any accounts submitted to him under this paragraph, the Auditor General for Wales shall, in particular, satisfy himself that the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it.

#### **Textual Amendments**

**F260** Words in *Sch. 6 para. 6(1)* substituted (1.4.2001) by 2000 c. 20, s. 29, *Sch. 1 para. 23(b)*; S.I. 2000/3349, *art. 3(1)*

#### **Modifications etc. (not altering text)**

**C5** *Sch. 6 para. 6(1)*: power to amend conferred (1.4.2001) by 2000 c. 20, s. 29, *Sch. 1 para. 27*; S.I. 2000/3349, *art. 3(1)*

#### *Accounting officer*

- 7 (1) The accounting officer for the Office of the Chief Inspector shall be the Chief Inspector.
- (2) But where the Chief Inspector is incapable of discharging his responsibilities as accounting officer, or where the office of Chief Inspector is vacant, the Treasury may designate a member of the Chief Inspector’s staff to be the accounting officer for so long as the incapacity or vacancy continues.
- (3) The accounting officer for the Office of the Chief Inspector shall have, in relation to the accounts of the Chief Inspector and the finances of the Office of the Chief Inspector, the responsibilities which are from time to time specified by the Treasury.
- (4) In this paragraph references to responsibilities include in particular—



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- (a) responsibilities in relation to the signing of accounts,
  - (b) responsibilities for the propriety and regularity of the finances of the Office of the Chief Inspector, and
  - (c) responsibilities for the economy, efficiency and effectiveness with which the resources of the Office of the Chief Inspector are used.
- (5) The responsibilities which may be specified under this paragraph include responsibilities owed to—
- (a) the Assembly or the Audit Committee, or
  - (b) the House of Commons or its Committee of Public Accounts.
- (6) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—
- (a) on behalf of the Committee of Public Accounts take evidence from the accounting officer for the Office of the Chief Inspector, and
  - (b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.

*Examinations into use of resources*

- 8
- (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which the Chief Inspector has used the resources of the Office of the Chief Inspector in discharging his functions.
  - (2) Sub-paragraph (1) shall not be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of the Chief Inspector.
  - (3) In determining how to exercise his functions under this paragraph, the Auditor General for Wales shall take into account the views of the Audit Committee as to the examinations which he should carry out under this paragraph.
  - (4) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by him under this paragraph.
  - (5) <sup>F261</sup> .....

**Textual Amendments**

**F261** Sch. 6 para. 8(5) repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 72, 73, Sch. 2 para. 48, Sch. 4; S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

*Examinations by the Comptroller and Auditor General*

- 9
- (1) For the purpose of enabling him to carry out examinations into, and report to Parliament on, the finances of the Office of the Chief Inspector, the Comptroller and Auditor General—
    - (a) shall have a right of access at all reasonable times to all such documents in the custody or under the control of the Chief Inspector, or of the Auditor General for Wales, as he may reasonably require for that purpose, and
    - (b) shall be entitled to require from any person holding or accountable for any of those documents any assistance, information or explanation which he reasonably thinks necessary for that purpose.

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- (2) The Comptroller and Auditor General shall—
- (a) consult the Auditor General for Wales, and
  - (b) take into account any relevant work done or being done by the Auditor General for Wales,
- before he acts in reliance on sub-paragraph (1) or carries out an examination in respect of the Chief Inspector under section 7 of the <sup>M28</sup>National Audit Act 1983 (economy etc. examinations).

#### Marginal Citations

**M28** 1983 c. 44.

## SCHEDULE 7

Section 105.

### FORESTRY COMMISSIONERS

#### *Separate exercise of functions in relation to Wales*

- 1 (1) The Secretary of State may by order make provision for securing—
- (a) the separate exercise in relation to Wales of functions of the Forestry Commissioners, and
  - (b) the exercise of functions by the Forestry Commissioners in relation to Wales free from so much of any requirements as would oblige them to have regard to circumstances outside Wales or to interests other than those of Wales.
- (2) An order under this paragraph may include provisions in the form of amendments or repeals of the <sup>M29</sup>Forestry Act 1967 or any other enactment.
- (3) The functions of the Forestry Commissioners—
- (a) may be exercised in relation to Wales whether or not they are exercised in relation to England or Scotland, and
  - (b) may be exercised differently in relation to Wales on the one hand and England or Scotland on the other.

#### Commencement Information

**I18** Sch. 7 para. 1 wholly in force; Sch. 7 para. 1 not in force at Royal Assent; Sch. 7 para. 1(1)(2) in force at 1.4.1999 by S.I. 1999/782, art. 2; Sch. 7 para. 1(3) in force at 14.5.2001 by S.I. 2001/1756, art. 2

#### Marginal Citations

**M29** 1967 c. 10.

- 2 (1) This paragraph applies where a function of the Forestry Commissioners to make any subordinate legislation is exercised by the making of a statutory instrument containing only provision relating to Wales.

[<sup>F262</sup>(2) No provision—

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- (a) requiring the statutory instrument, or a draft of the statutory instrument, to be laid before Parliament or either House of Parliament,
  - (b) for the annulment or approval of the statutory instrument, or a draft of the statutory instrument, by or in pursuance of a resolution of either House of Parliament or of both Houses, or
  - (c) prohibiting the making of the statutory instrument without such approval, has effect in relation to the function.
- (3) But the subordinate legislation may not be made without the consent of the Welsh Ministers.]

#### Textual Amendments

**F262** Sch. 7 para. 2(2)(3) substituted for Sch. 7 para. 2(2)-(8) by Government of Wales Act 2006 (c. 32), ss. 160, 161, Sch. 10 para. 55(2) (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

#### *Status of Commissioners and staff*

- 3 Nothing in section 105 or this Schedule affects the status of the Forestry Commissioners as a government department or the status of the officers and servants appointed or employed by them.

#### *Receipts*

- 4 (1) Any sums received by the Forestry Commissioners—
- (a) under section 105, or
  - (b) (subject to sub-paragraphs (2) and (3)) in respect of any transactions carried out by them in the exercise of any of their functions in relation to Wales,
- shall be applied by them towards meeting their expenditure on the exercise of their functions in relation to Wales.
- (2) The Treasury may direct that any sums within sub-paragraph (1)(b) which are, or are of a description, specified in the direction shall be paid into the Consolidated Fund.
- (3) [<sup>F263</sup>The Welsh Ministers] may direct that any sums within sub-paragraph (1)(b) which are, or are of a description, specified in the direction shall be paid to [<sup>F264</sup>them].
- (4) A direction under sub-paragraph (3) may be varied or revoked by a direction under sub-paragraph (2) (as well as by another direction under sub-paragraph (3)).

#### Textual Amendments

**F263** Words in Sch. 7 para. 4(3) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 55(3)(a)} (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

**F264** Words in Sch. 7 para. 4(3) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 55(3)(b)} (with Sch. 11), the amending provision coming into force immediately after the end of

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"the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)  
- see ss. 46, 161(4)(c)(5) of the amending Act

### Accounts

- 5 (1) The Forestry Commissioners shall keep proper accounting records relating to their Welsh finances.
- (2) In this Schedule references to the Welsh finances of the Forestry Commissioners are to—
- (a) sums within paragraph 4(1) received by them, and
  - (b) expenditure by them on the exercise of their functions in relation to Wales.
- (3) The Forestry Commissioners shall, for each financial year, prepare accounts relating to their Welsh finances in accordance with directions given to them by the Treasury.
- (4) The directions which the Treasury may give under sub-paragraph (3) include, in particular, directions as to—
- (a) the information to be contained in the accounts and the manner in which it is to be presented,
  - (b) the methods and principles in accordance with which the accounts are to be prepared, and
  - (c) the additional information (if any) that is to accompany the accounts.

### Audit

- 6 (1) The accounts prepared by the Forestry Commissioners under paragraph 5 for any financial year shall be submitted by them to the Auditor General for Wales [<sup>F265</sup>no later than 30th November of the following financial year].
- (2) The Auditor General for Wales shall—
- (a) examine and certify any accounts submitted to him under this paragraph, and
  - (b) no later than four months after the accounts are submitted to him, lay before the Assembly a copy of them as certified by him together with his report on them.
- (3) In examining any accounts submitted to him under this paragraph, the Auditor General for Wales shall, in particular, satisfy himself that the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it.

#### Textual Amendments

F265 Words in Sch. 7 para. 6(1) substituted (1.4.2001) by 2000 c. 20, s. 29, Sch. 1 para. 23(c)

#### Modifications etc. (not altering text)

C6 Sch. 7 para. 6(1): power to amend conferred (1.4.2001) by 2000 c. 20, s. 29, Sch. 1 para. 27

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### *Accounting officer*

- 7 (1) The Treasury shall designate one of the Forestry Commissioners or an officer of the Forestry Commissioners as the Forestry Commissioners' accounting officer for Wales.
- (2) The person designated as the Forestry Commissioners' accounting officer for Wales shall have, in relation to the Welsh finances of the Forestry Commissioners and to accounts relating to the Welsh finances of the Forestry Commissioners, the responsibilities which are from time to time specified by the Treasury.
- (3) In this paragraph references to responsibilities include in particular—
- (a) responsibilities in relation to the signing of accounts,
  - (b) responsibilities for the propriety and regularity of finances, and
  - (c) responsibilities for the economy, efficiency and effectiveness with which the resources of the Forestry Commissioners are used in discharging their functions in relation to Wales.
- (4) The responsibilities which may be specified under this paragraph include responsibilities owed to—
- (a) the Assembly or the Audit Committee, or
  - (b) the House of Commons or its Committee of Public Accounts.
- (5) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—
- (a) on behalf of the Committee of Public Accounts take evidence from the Forestry Commissioners' accounting officer for Wales, and
  - (b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.

### *Examinations into use of resources*

- 8 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which the Forestry Commissioners have used their resources in discharging their functions in relation to Wales.
- (2) Sub-paragraph (1) shall not be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of the Forestry Commissioners.
- (3) In determining how to exercise his functions under this paragraph, the Auditor General for Wales shall take into account the views of the Audit Committee as to the examinations which he should carry out under this paragraph.
- (4) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by him under this paragraph.
- (5) <sup>F266</sup> .....

#### **Textual Amendments**

**F266** Sch. 7 para. 8(5) repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 72, 73, Sch. 2 para. 49, Sch. 4; S.I. 2005/558, art. 2, Sch. 1 (subject to Sch. 2)

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### *Examinations by the Comptroller and Auditor General*

- 9 (1) For the purpose of enabling him to carry out examinations into, and report to Parliament on, the Welsh finances of the Forestry Commissioners, the Comptroller and Auditor General—
- (a) shall have a right of access at all reasonable times to all such documents in the custody or under the control of the Forestry Commissioners, or of the Auditor General for Wales, as he may reasonably require for that purpose, and
  - (b) shall be entitled to require from any person holding or accountable for any of those documents any assistance, information or explanation which he reasonably thinks necessary for that purpose.
- (2) The Comptroller and Auditor General shall—
- (a) consult the Auditor General for Wales, and
  - (b) take into account any relevant work done or being done by the Auditor General for Wales,
- before he acts in reliance on sub-paragraph (1) or carries out an examination in respect of the Forestry Commissioners under section 6 of the <sup>M30</sup>National Audit Act 1983 (economy etc. examinations).

#### **Commencement Information**

**I19** Sch. 7 para. 9 wholly in force; Sch. 7 para. 9 not in force at Royal Assent; Sch. 7 para. 9(2) in force for certain purposes at 1.4.1999 by S.I. 1999/782, art. 2; Sch. 7 para. 9(2) in so far as not already in force and Sch. 7 para. 9(1) in force at 14.5.2001 by S.I. 2001/1756, art. 2

#### **Marginal Citations**

**M30** 1983 c. 44.

### *Reports*

- 10 (1) The Forestry Commissioners shall, no later than such time after the end of each financial year as the [<sup>F267</sup>Welsh Ministers direct] , make a report in such form as the [<sup>F267</sup>Welsh Ministers direct] about the exercise of the Forestry Commissioners' functions in relation to Wales during that financial year.
- (2) The Forestry Commissioners shall lay before the Assembly any report made under sub-paragraph (1) and the Assembly shall publish it.

#### **Textual Amendments**

**F267** Words in Sch. 7 para. 10(1) substituted by the Government of Wales Act 2006 (c. 32), ss. 160, 161, Sch. 10 para. 55(4) (with Sch. 11), 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 ss. 46, 161(4)(c)(5) of the amending Act

### *Interpretation*

- 11 References in this Schedule to the Welsh finances of the Forestry Commissioners shall be construed in accordance with paragraph 5(2).

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## F268F268 SCHEDULE 8

### Textual Amendments

**F268** Sch. 8 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

## F269F269 SCHEDULE 9

### Textual Amendments

**F269** Sch. 9 repealed (12.10.2005 in so far as relates, for certain purposes, to para. 8 and 1.4.2006 otherwise) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 6 para. 69, Sch. 7 (with s. 38); S.I. 2005/2800, arts. 3, 5(1), Sch. 1 Pt. 2 (with Sch. 2)

## SCHEDULE 10

Section 112.

### AMENDMENTS OF HEALTH SERVICE COMMISSIONERS ACT 1993

### Commencement Information

**I21** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent; Sch. 10 paras. 2, 3(3)(4), 5, 8-12, 15(3), 16 and 17 in force at 1.7.1999 by S.I. 1999/1290, art. 4; Sch. 10 paras. 1, 3(1)(2), 4, 6, 7, 13, 14 and 15(1)(2)(4) in force at 1.4.1999 by S.I. 1999/782, art. 2

- 1 The <sup>M50</sup>Health Service Commissioners Act 1993 has effect subject to the following amendments.

### Marginal Citations

**M50** 1993 c. 46.

- 2 In section 1(3) (which introduces Schedule 1), for "the Commissioners and other administrative matters" substitute " , and other administrative matters relating to, the Health Service Commissioner for England and the Health Service Commissioner for Scotland; and Schedule 1A has effect with respect to the appointment and remuneration of, and other administrative matters relating to, the Health Service Commissioner for Wales "

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3 (1) Section 2 (bodies subject to investigation by Health Service Commissioners) is amended as follows.

(2) <sup>F292</sup> .....

(3) In subsection (5)(b) (Special Health Authorities which are subject to investigation by Health Service Commissioner), omit “by Order in Council”.

(4) For subsection (6) (procedure for Order in Council) substitute—

“(6) A designation for the purposes of subsection (5)(b) shall be made—  
(a) in the case of a Special Health Authority exercising functions only or mainly in Wales, by order made by the Assembly by statutory instrument, and  
(b) in any other case, by Order in Council;  
and a statutory instrument containing an Order in Council made by virtue of paragraph (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

**Textual Amendments**  
**F292** Sch. 10 para. 3(2) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

**Commencement Information**  
**I22** Sch. 10 para. 3 partly in force; Sch. 10 para. 3 not in force at Royal Assent see s. 158; Sch. 10 para. 3(3) (4) in force at 1.7.1999 by S.I. 1999/1290, art. 4

4 <sup>F293</sup> .....

**Textual Amendments**  
**F293** Sch. 10 para. 4 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

5 <sup>F294</sup> .....

**Textual Amendments**  
**F294** Sch. 10 para. 5 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

6 <sup>F295</sup> .....

**Textual Amendments**  
**F295** Sch. 10 para. 6 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

7 In section 8(2) (authorities not entitled to make a complaint)—



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- (a) in paragraph (a), after “government” insert “ (including the Assembly) ”, and
- (b) in paragraph (c), after “department” insert “ or by the Assembly ” and after “Parliament” insert “ or the Assembly ”.

8 F296 .....

**Textual Amendments**

**F296** Sch. 10 para. 8 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

- 9 In section 11(4) (payment of expenses etc. by Commissioner)—
- (a) after “Payments” insert “ made by the Health Service Commissioner for England or the Health Service Commissioner for Scotland ”, and
  - (b) F297 .....

**Textual Amendments**

**F297** Sch. 10 para. 9(b) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

- 10 (1) Section 14 (reports by Commissioners) is amended as follows.
- (2) For “a Commissioner” (in each place) substitute “ the Health Service Commissioner for England or the Health Service Commissioner for Scotland ”.
- (3) In subsection (4) (annual reports)—
- (a) for “Each of the Commissioners” substitute “ The Health Service Commissioner for England and the Health Service Commissioner for Scotland ”, and
  - (b) after “shall” and “may” insert “ each ”.
- (4) In the sidenote, after “by” insert “ English and Scottish ”.

11 F298 .....

**Textual Amendments**

**F298** Sch. 10 para. 11 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

12 F299 .....

**Textual Amendments**

**F299** Sch. 10 para. 12 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

- 13 In section 17(1) (use of information by Commissioner in other capacity), after “Health Service Commissioner” insert “ , the office of Welsh Administration Ombudsman ”.

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- 14 (1) Section 18 (consultation with other Commissioners) is amended as follows.
  - (2) In subsection (1) (duty to consult), after paragraph (b) insert—
    - “(ba) by the Welsh Administration Ombudsman under the Government of Wales Act 1998,”, and after “Commissioner”, in both places where it appears in the words following paragraph (d), insert “ or the Ombudsman ”.
  - (3) In subsection (2) (matters which may be covered by consultation), after “another Commissioner” insert “ or the Welsh Administration Ombudsman ”.
  - (4) In subsection (3) (confidentiality), omit “by a Commissioner or his officers”.
- 15 (1) Section 19 (interpretation) is amended as follows.
  - (2) After the definition of “allotted sum” insert—
    - ““the Assembly” means the National Assembly for Wales;”.
  - (3) <sup>F300</sup> .....
  - (4) <sup>F300</sup> .....

**Textual Amendments**

**F300** Sch. 10 para. 15(3)(4) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

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**Commencement Information**

**I23** Sch. 10 para. 15 partly in force; Sch. 10 para. 15 not in force at Royal Assent see s. 158; Sch. 10 para. 15(3) in force at 1.7.1999 by S.I. 1999/1290, art. 4

- 16 (1) Schedule 1 (the Commissioners) is amended as follows.
  - (2) In the heading, before “COMMISSIONERS” insert “ ENGLISH AND SCOTTISH ”.
  - (3) <sup>F301</sup> .....
  - (4) In paragraph 2(1) (acting Commissioners), for “Where any” substitute “ Where either ”.
  - (5) In paragraphs 3(2)(a) and 3A(2)(a) (ineligibility of certain persons for appointment), omit “or for Wales”.
  - (6) In paragraph 6 (salary of person holding more than one office)—
    - (a) in sub-paragraph (1)(b), for “one or more” substitute “ either or both ”, and
    - (b) in sub-paragraph (2), for “two or more” substitute “ both ”.
  - (7) Omit paragraph 11(2) (staff of Welsh Commissioner).
  - (8) In paragraph 12 (performance of functions of Commissioner by officers of another Commissioner), for “another Commissioner or the Parliamentary Commissioner” substitute “ the other Commissioner, the Health Service Commissioner for Wales, the Parliamentary Commissioner or the Welsh Administration Ombudsman ”.

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**Textual Amendments**

**F301** Sch. 10 para. 16(3) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

17 **F302** .....

**Textual Amendments**

**F302** Sch. 10 para. 17 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

**F303F303** SCHEDULE 11

**Textual Amendments**

**F303** Sch. 11 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

SCHEDULE 12

Section 125.

MINOR AND CONSEQUENTIAL AMENDMENTS

*The Exchequer and Audit Departments Act 1866 (c.39)*

1 At the end of section 3 of the Exchequer and Audit Departments Act 1866 (tenure of Comptroller and Auditor General) insert— “ But a person may at the same time hold both the office of Comptroller and Auditor General and the office of Auditor General for Wales. ”

*The Statutory Instruments Act 1946 (c.36)*

2 **F304** .....

**Textual Amendments**

**F304** Sch. 12 para. 2 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of

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a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

*The Public Records Act 1958 (c.51)*

- 3 (1) The First Schedule to the Public Records Act 1958 (definition of public records) is amended as follows.
- (2) In paragraph 2(2) (excluded departmental records), at the end insert “or
  - (e) to Welsh public records (as defined in the Government of Wales Act 1998).”
- (3) In Part I of the Table at the end of paragraph 3 (boards and establishments under government departments)—
  - (a) at the end of the entry relating to National Health Service Authorities insert “and Authorities for districts or localities in Wales, or for areas in or consisting of Wales (including National Health Service trusts all of whose hospitals, establishments and facilities are situated in Wales) ”,
  - (b) at the end of the entry relating to Family Practitioner Committees insert “for localities in England ”, and
  - (c) in the entry relating to health service hospitals, after “1977” insert “ , in England ”.
- (4) In paragraph 5 (Chancery records), after “England” insert “ , other than any which are Welsh public records (as defined in the Government of Wales Act 1998), ”.
- (5) In paragraph 6 (records in Public Record Office), at the end (but not as part of paragraph (c)) insert— “ other than any which are Welsh public records (as defined in the Government of Wales Act 1998). ”
- (6) In paragraph 7(1) (power to add further categories of records), after “provisions of this Schedule” insert “ and not being Welsh public records (as defined in the Government of Wales Act 1998) ”.

*The Parliamentary Commissioner Act 1967 (c.13)*

- 4 The Parliamentary Commissioner Act 1967 has effect subject to the following amendments.
- 5 In section 3(2) (performance of functions of Parliamentary Commissioner by officers of his or of a Health Service Commissioner), for the words “or may be performed” onwards substitute “ , by any member of the staff so authorised of the Welsh Administration Ombudsman or of the Health Service Commissioner for Wales or by any officer so authorised of the Health Service Commissioner for England or of the Health Service Commissioner for Scotland. ”
- 6 In section 4 (departments etc. subject to investigation), after subsection (3) insert—
  - “(3A) No entry shall be made if the result of making it would be that the Parliamentary Commissioner could investigate action which can be investigated by the Welsh Administration Ombudsman under Schedule 9 to the Government of Wales Act 1998.”

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### Textual Amendments

**F305** Sch. 12 para. 7 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

- 8 (1) Section 11A (consultations between Parliamentary Commissioner and Health Service Commissioners) is amended as follows.
- (2) In subsection (1) (duty of consultation)—
- (a) <sup>F306</sup> .....
- (b) for "office as that Commissioner" substitute " the office concerned ", and
- (c) after "a complaint under" insert " the Government of Wales Act 1998 or ".
- (3) <sup>F306</sup> .....
- (4) <sup>F306</sup> .....

### Textual Amendments

**F306** Sch. 12 para. 8(2)(a) repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

- 9 In Schedule 2 (departments etc. subject to investigation by Parliamentary Commissioner)—
- (a) in the entry relating to urban development corporations, after "corporations" insert " established for urban development areas wholly in England ",
- (b) in note 1A, insert at the end " ; and no investigation under this Act shall be conducted in respect of any action in connection with functions of the Environment Agency in relation to Wales (within the meaning of the Government of Wales Act 1998). ", and
- (c) after that note insert—
- "1B In the case of the Forestry Commission no investigation under this Act shall be conducted in respect of any action in connection with functions of the Forestry Commissioners in relation to Wales (within the meaning of the Government of Wales Act 1998)."

### *The Pensions (Increase) Act 1971 (c.56)*

- 10 In Part II of Schedule 2 to the Pensions (Increase) Act 1971 (official pensions), before paragraph 39 insert—

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“ National Assembly for Wales

38B A pension payable under a scheme established under section 18(2)(b) of the Government of Wales Act 1998.”

The Local Government Act 1974 (c.7)

11 The Local Government Act 1974 has effect subject to the following amendments.

12 F307 .....

**Textual Amendments**  
F307 Sch. 12 para. 12 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

13 F308 .....

**Textual Amendments**  
F308 Sch. 12 para. 13 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

14 In section 27(1) (authorities not entitled to make a complaint)—  
(a) in paragraph (a), after “government” insert “ (including the National Assembly for Wales) ”, and  
(b) in paragraph (b), after “department” insert “ or by the National Assembly for Wales ” and after “Parliament” insert “ or the National Assembly for Wales ”.

15 F309 .....

**Textual Amendments**  
F309 Sch. 12 para. 15 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)(5) of the amending Act.

16 F310 .....

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**Textual Amendments**

**F310** Sch. 12 para. 16 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

- 17 (1) Section 33 (consultation with other Commissioners) is amended as follows.
- (2) In subsection (1) (duty to consult), before “or” at the end of paragraph (a) insert—
- “(aa) by the Welsh Administration Ombudsman, in accordance with the Government of Wales Act 1998,” and, in the words following paragraph (b), after “Commissioner” insert “ or the Ombudsman ” and after “under the Act of 1967” insert “ , under the Government of Wales Act 1998 ”.
- (3) In subsection (2) (matters which may be covered by consultation)—
- (a) **F311** .....
- (b) after “that Commissioner” insert “ or the Ombudsman ”.
- (4) In subsection (5) (confidentiality)—
- (a) after “Act of 1993,” insert “ in paragraph 25(1) of Schedule 9 to the Government of Wales Act 1998 ”, and
- (b) omit “by any of the Commissioners mentioned in this section, or by any of their officers.”.

**Textual Amendments**

**F311** Sch. 12 para. 17(3)(a) repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

*The Juries Act 1974 (c.23)*

- 18 **F312** .....

**Textual Amendments**

**F312** Sch. 12 para. 18 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, Sch. 37 Pt. 10; S.I. 2004/829, art. 2(2)(i)(iv)

*The House of Commons Disqualification Act 1975 (c.24)*

- 19 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (certain disqualifying offices) insert at the appropriate places—
- “Auditor General for Wales.”,
- “Member of the staff of the Auditor General for Wales.”, and

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“Welsh Administration Ombudsman.”

*The Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55)*

- 20 In Part III of Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (excusal from jury service as of right: Scotland), before Group C insert—

**“GROUP BA**

*National Assembly for Wales*

Members of the National Assembly for Wales.”

*The Mental Health Act 1983 (c.20)*

- 21 The Mental Health Act 1983 has effect subject to the following amendments.
- 22 In section 134(3)(c) (no power to withhold correspondence between patients and ombudsmen), after “Parliamentary Commissioner for Administration,” insert “ the Welsh Administration Ombudsman, ”.
- 23 In section 141 (members of House of Commons suffering from mental illness), at the end insert—
- “ (9) This section also has effect in relation to members of the National Assembly for Wales but as if—
- (a) references to the House of Commons were to the Assembly and references to the Speaker were to the presiding officer, and
  - (b) in subsection (7), for “defrayed out of moneys provided by Parliament” there were substituted “paid by the National Assembly for Wales”.”

*The Insolvency Act 1986 (c.45)*

- 24 In section 427 of the Insolvency Act 1986 (members of House of Commons adjudged bankrupt etc.), before subsection (7) insert—
- “(6B) Subsections (4) to (6) have effect in relation to a member of the National Assembly for Wales but as if—
- (a) references to the House of Commons were to the Assembly and references to the Speaker were to the presiding officer, and
  - (b) in subsection (4), for “under this section” there were substituted “under section 12(2) of the Government of Wales Act 1998 by virtue of this section”.”

*The Finance Act 1987 (c.16)*

- 25 In section 55(1) of the Finance Act 1987 (Crown exemption from stamp duty), after “Her Majesty’s Treasury,” insert “ or to the National Assembly for Wales, ”.



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*The Copyright, Designs and Patents Act 1988 (c.48)*

- 26 The Copyright, Designs and Patents Act 1988 has effect subject to the following amendments.
- 27 In section 49 (copying of public records not to constitute infringement of copyright), after “1923” insert “, or in Welsh public records (as defined in the Government of Wales Act 1998),”.
- 28 F313 .....

**Textual Amendments**

**F313** Sch. 12 para. 28 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)(5) of the amending Act.

- 29 In paragraph 10(1) of Schedule 2 (copying of public records not to constitute infringement of rights in performances), after “1923” insert “, or in Welsh public records (as defined in the Government of Wales Act 1998),”.

*The Official Secrets Act 1989 (c.6)*

- 30 F314 .....

**Textual Amendments**

**F314** Sch. 12 para. 30 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes 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)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

*The Finance Act 1989 (c.26)*

- 31 (1) Section 182 of the Finance Act 1989 (restrictions on disclosure of information about taxpayers) is amended as follows.
- (2) In subsection (4)(a) (offence for Parliamentary Commissioner for Administration and others to disclose information about taxpayers), after sub-paragraph (ii) insert—
- “(iii) of the Auditor General for Wales and any member of his staff, or
- (iv) of the Welsh Administration Ombudsman and any member of his staff,”.
- (3) In subsection (6) (authorised disclosures), in the words after paragraph (e), for “or the Parliamentary Commissioner,” substitute “, the Parliamentary Commissioner, the Auditor General for Wales or the Welsh Administration Ombudsman,”.

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*The Social Security Administration Act 1992 (c.5)*

- 32 In section 123(8) of the Social Security Administration Act 1992 (auditors and investigators of complaints who may not disclose social security information)—
- (a) after paragraph (b) insert—
- “(ba) the Auditor General for Wales and any member of his staff;”, and
- (b) <sup>F315</sup> .....

**Textual Amendments**

**F315** Sch. 12 para. 32(b) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 7; S.I. 2005/2800, art. 5(1)

*The Tribunals and Inquiries Act 1992 (c.53)*

- 33 In section 16(1) of the Tribunals and Inquiries Act 1992 (interpretation), in the definition of “Minister”, after “includes” insert “ the National Assembly for Wales and ”.

*The European Communities (Amendment) Act 1993 (c.32)*

- 34 In section 6 of the European Communities (Amendment) Act 1993 (which provides that a person may be proposed for membership of the Committee of the Regions constituted under Article 198a of the Treaty establishing the European Community only if he is an elected member of a local authority), before “an elected member of a local authority” insert “ a member of the National Assembly for Wales or ”.

*The Value Added Tax Act 1994 (c.23)*

- 35 In section 41(6) of the Value Added Tax Act 1994 (meaning of government department), before “a Northern Ireland department,” insert “ , the National Assembly for Wales, ”.

*The Deregulation and Contracting Out Act 1994 (c.40)*

- 36 In section 79(1) of the Deregulation and Contracting Out Act 1994 (interpretation of Part II), in the definition of “office-holder”—
- (a) after “officer of either House of Parliament,” insert “ the Auditor General for Wales, ” and
- (b) after “the Parliamentary Commissioner for Administration” insert “ , the Welsh Administration Ombudsman ”.

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## SCHEDULE 13

Section 127.

### WELSH DEVELOPMENT AGENCY: LAND PROVISIONS

#### Commencement Information

**I24** Sch. 13 in force at 1.10.1998 by S.I. 1998/2244, art. 4

1 The <sup>M51</sup>Welsh Development Agency Act 1975 has effect subject to the following amendments.

#### Marginal Citations

**M51** 1975 c. 70.

2 After section 21 insert—

#### “21A Powers of land acquisition.

- (1) The powers to acquire land mentioned in sections 1(7)(h) and 16(3)(b) above are powers—
  - (a) to acquire land by agreement; and
  - (b) to acquire land compulsorily if authorised to do so by the Secretary of State.
- (2) Where the Agency acquire or have acquired land under subsection (1) above, they have power to acquire by agreement or, if authorised to do so by the Secretary of State, to acquire compulsorily—
  - (a) any land which adjoins the land and is required for the purpose of executing works for facilitating its development or use; and
  - (b) where the land forms part of a common, an open space or a fuel or field garden allotment, any land required for the purpose of being given in exchange for it.
- (3) The Agency may under subsection (1) above acquire rights over land by the creation of new rights (as well as by acquiring rights already in existence).
- (4) Before the Agency acquire land under subsection (1) above for the purpose of their function under section 1(3)(da) above, they shall—
  - (a) consider whether the land would or would not in their opinion be made available for development if they did not act;
  - (b) consider the fact that planning permission has or has not been granted in respect of the land or is likely or unlikely to be granted;
  - (c) (in a case where no planning permission has been granted in respect of the land) consult every relevant local authority; and
  - (d) consider the needs of those engaged in building, agriculture and forestry and of the community in general.
- (5) For the purposes of subsection (4)(c) above, each of the following is a relevant local authority—
  - (a) the council of any county, county borough or district in whose area the land, or any part of the land, is situated;

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- (b) any joint planning board in whose district the land, or any part of the land, is situated; and
  - (c) any National Park authority which is the local planning authority for a National Park in which the land, or any part of the land, is situated.
- (6) Where the Agency have acquired land under subsection (1) above for the purpose of any of their functions, they may appropriate it to the purpose of any of their other functions.
- (7) Where the Agency have—
- (a) acquired land under subsection (1) above for the purpose of their function under section 1(3)(da) above; or
  - (b) under subsection (6) above have appropriated land to that purpose, they shall, until they either dispose of the land or appropriate it under subsection (6) above to the purpose of any of their other functions, manage it and turn it to account.
- (8) Schedule 4 to this Act shall have effect.

#### **21B Disposal of land.**

In exercising any power under this Act to dispose of land, the Agency shall not dispose of land for a consideration less than the best that can reasonably be obtained except—

- (a) as provided by section 16(7) above; or
- (b) with the consent of the Secretary of State.

#### **21C Powers to advise on land matters.**

- (1) The Agency may, if requested to do so by a public authority—
- (a) advise the authority about disposing of any of the authority's land in Wales to other persons; and
  - (b) assist the authority in disposing of the land.
- (2) In subsection (1) above “public authority” means—
- (a) a government department;
  - (b) the National Assembly for Wales;
  - (c) a county council, county borough council or community council;
  - (d) a National Park authority;
  - (e) a development corporation for a new town;
  - (f) a Health Authority, Special Health Authority or National Health Service trust;
  - (g) a body corporate established by or under an enactment for the purpose of carrying on under national ownership any industry or part of an industry;
  - (h) any statutory undertakers; or
  - (i) any other public authority, body or undertakers specified in an order made by the Secretary of State.
- (3) The Agency may assist—

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- (a) the council of a county or county borough in Wales in making an assessment of land in its area which is, in its opinion, available and suitable for development;
- (b) a joint planning board in Wales in making an assessment of land in its district which is, in its opinion, available and suitable for development; or
- (c) a National Park authority for a National Park in Wales in making an assessment of land in the National Park which is, in its opinion, available and suitable for development.”

3 After Schedule 3 insert—

“SCHEDULE 4

Section 21A.

ACQUISITION OF LAND

PART I

COMPULSORY ACQUISITION

- 1 (1) The <sup>M52</sup>Acquisition of Land Act 1981 applies in relation to the compulsory acquisition of land under section 21A above.  
(2) The <sup>M53</sup>Acquisition of Land Act 1981 has effect in its application by virtue of sub-paragraph (1) above with the modifications made by the following provisions of this Part.
- 2 (1) This paragraph applies where a compulsory purchase order of the Agency authorising the acquisition of any land is submitted to the Secretary of State in accordance with section 2(2) of the <sup>M54</sup>Acquisition of Land Act 1981.  
(2) If the Secretary of State—
  - (a) is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised in it; but
  - (b) has not for the time being determined whether it ought to be confirmed so far as it relates to any other such land,he may confirm the order so far as it relates to the land mentioned in paragraph (a) above and give directions postponing the consideration of the order so far as it relates to any other land specified in the directions until such time as may be so specified.  
(3) Where the Secretary of State gives directions under sub-paragraph (2) above, the notices required by section 15 of the <sup>M55</sup>Acquisition of Land Act 1981 to be published and served shall include a statement of the effect of the directions.
- 3 (1) Where a compulsory purchase order is made by the Agency—
  - (a) a notice under section 12 of the <sup>M56</sup>Acquisition of Land Act 1981 (notice specifying the time for making objections) shall be served on every relevant local authority;

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- (b) each relevant local authority shall have a right to object in accordance with the notice; and
  - (c) the references in section 13 of that Act to objections made by an owner, lessee or occupier shall include references to an objection made by any relevant local authority.
- (2) For the purposes of sub-paragraph (1) above, each of the following is a relevant local authority—
- (a) the council of any county, county borough or district in whose area the land, or any part of the land, is situated;
  - (b) any joint planning board in whose district the land, or any part of the land, is situated; and
  - (c) any National Park authority which is the local planning authority for a National Park in which the land, or any part of the land, is situated.

## PART II

### ACQUISITION BY AGREEMENT

- 4 The provisions of Part I of the <sup>M57</sup>Compulsory Purchase Act 1965 (so far as applicable), other than section 31, apply in relation to the acquisition of land by agreement under section 21A above; and in Part I of that Act as so applied “land” has the meaning given by Schedule 1 to the <sup>M58</sup>Interpretation Act 1978.

## PART III

### “CLEANSING” PROVISIONS

#### *Extinguishment of rights over land compulsorily acquired*

- 5 (1) On the completion by the Agency of a compulsory acquisition of land under section 21A above, all—
- (a) private rights of way; and
  - (b) rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land,
- shall be extinguished and any such apparatus shall vest in the Agency.
- (2) Sub-paragraph (1) above does not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking.
- (3) Sub-paragraph (1) above has effect in relation to any right or apparatus not falling within sub-paragraph (2) above subject—
- (a) to any direction given by the Agency before the completion of the acquisition that sub-paragraph (1) above shall not apply to any right or apparatus specified in the direction; and
  - (b) to any agreement which may be made (whether before or after the completion of the acquisition) between the Agency and the person in or to whom the right or apparatus is vested or belongs.

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- (4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this paragraph shall be entitled to compensation from the Agency.
- (5) Any compensation payable under this paragraph shall be determined in accordance with the <sup>M59</sup>Land Compensation Act 1961.

*Power to override easements and other rights*

- 6 (1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired by the Agency under section 21A above, whether done by the Agency or by a person deriving title under the Agency, is authorised by virtue of this paragraph if it is done in accordance with planning permission even if it involves—
  - (a) interference with an interest or right to which this paragraph applies; or
  - (b) a breach of a restriction as to the user of land arising by virtue of a contract.
- (2) Nothing in this paragraph authorises interference with—
  - (a) any right of way; or
  - (b) any right of laying down, erecting, continuing or maintaining apparatus on, under or over land,which is vested in or belongs to statutory undertakers for the purpose of the carrying on of their undertaking.
- (3) This paragraph applies to any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.
- (4) Compensation in respect of any interference or breach in pursuance of sub-paragraph (1) above—
  - (a) shall be payable under section 7 or 10 of the <sup>M60</sup>Compulsory Purchase Act 1965; and
  - (b) shall be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase to which that Act applies or the injury arises from the execution of works on land acquired by such a purchase.
- (5) Where a person deriving title under the Agency—
  - (a) is liable to pay compensation by virtue of sub-paragraph (4) above; but
  - (b) fails to discharge that liability,the liability shall be enforceable against the Agency.
- (6) Nothing in sub-paragraph (5) above affects any agreement between the Agency and any other person for indemnifying the Agency against any liability under that sub-paragraph.

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- (7) Nothing in this paragraph authorises any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than an interference or breach such as is mentioned in sub-paragraph (1) above.
- (8) In this paragraph—
  - (a) a reference to a person deriving title from another person includes a reference to any successor in title of that other person; and
  - (b) a reference to deriving title is a reference to deriving title either directly or indirectly.

*Use and development of consecrated land and burial grounds*

- 7 (1) Any consecrated land (whether or not including a building) which has been acquired by the Agency under section 21A above may be used by any person in any manner in accordance with planning permission in spite of any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land.
- (2) Sub-paragraph (1) above does not apply to land which consists or forms part of a burial ground.
- (3) Any use of consecrated land authorised by sub-paragraph (1) above, and the use of any land (not being consecrated land) which was—
  - (a) acquired by the Agency under section 21A above; and
  - (b) at the time of acquisition included a church or other building used or formerly used for religious worship or the site of such a building,
 shall be subject to compliance with the requirements of regulations made by the Secretary of State for the purposes of this paragraph with respect to the removal and re-interment of any human remains and the disposal of monuments and fixtures and furnishings.
- (4) Any use of consecrated land authorised by sub-paragraph (1) above shall be subject to such provisions as may be prescribed by such regulations for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part of such a building, remains on the land.
- (5) Any regulations made for the purposes of this paragraph—
  - (a) shall contain such provisions as appear to the Secretary of State to be required for securing that any use of land which is subject to compliance with the regulations is, as nearly as may be, subject to the same control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure;
  - (b) shall contain such requirements relating to the disposal of any such land as is mentioned in sub-paragraphs (3) and (4) above as appear to the Secretary of State necessary for securing that the provisions of those sub-paragraphs are complied with in relation to the use of the land; and



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- (c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Secretary of State to be appropriate for the purposes of the regulations.
- (6) Any land consisting of a burial ground, or part of a burial ground, which has been acquired as mentioned in sub-paragraph (1) above may be used by any person in any manner in accordance with planning permission in spite of—
  - (a) anything in any enactment relating to burial grounds; or
  - (b) any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds.
- (7) Sub-paragraph (6) above shall not have effect in relation to any land which has been used for the burial of the dead until the requirements prescribed by regulations made under this paragraph with respect to the removal and re-interment of human remains, and the disposal of monuments, in or on the land have been complied with.
- (8) Provision shall be made by any regulations made for the purposes of this paragraph—
  - (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and re-interment of any human remains or the disposal of any monuments;
  - (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and re-interment of the remains of the deceased, and the disposal of any monument commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, re-interment and disposal, not exceeding such amount as may be prescribed; and
  - (c) for requiring compliance with such reasonable conditions (if any) as may be imposed in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal, and the place and manner of re-interment, of any human remains and the disposal of any monuments and with any directions given in any case by the Secretary of State with respect to the removal and re-interment of any human remains.
- (9) Subject to the provisions of regulations made under this paragraph, no faculty shall be required for the removal and re-interment in accordance with the regulations of any human remains or for the removal or disposal of any monuments; and the provisions of section 25 of the <sup>M61</sup>Burial Act 1857 (prohibition of removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.
- (10) Nothing in this paragraph authorises any act or omission on the part of any person which is actionable at the suit of any person on any ground other than contravention of any such obligation, restriction or enactment as is mentioned in sub-paragraph (1) or (6) above.
- (11) In this paragraph—
  - “burial ground” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment; and

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“monument” includes a tombstone or other memorial.

*Use and development of land for open spaces*

- 8 (1) Any land which—
- (a) is, or forms part of, a common, an open space or a fuel or field garden allotment; and
  - (b) has been acquired by the Agency under section 21A above,
- may be used by any person in any manner in accordance with planning permission in spite of anything in any enactment relating to land of that kind or in any enactment by which the land is specially regulated.
- (2) Sub-paragraph (1) does not authorise any act or omission on the part of any person which is actionable at the suit of any person on any ground other than contravention of any such enactment as is mentioned in that sub-paragraph.

*Paragraphs 6 to 8: supplementary*

- 9 In construing the <sup>M62</sup>Compulsory Purchase Act 1965 in relation to section 21A above—
- (a) references to the execution of works shall be construed as including references to any erection, construction or carrying out of building or work authorised by paragraph 6 above; and
  - (b) in relation to any erection, construction or carrying out of building or work so authorised, references in section 10 of that Act to the acquiring authority shall be construed as references to the persons by whom the building or work in question is erected, constructed or carried out.
- 10 (1) Nothing in paragraph 7 or 8 above authorises any act or omission on the part of any authority or body corporate in contravention of any limitation imposed by law on their capacity by virtue of their constitution.
- (2) Any power conferred by paragraph 7 or 8 above to use land in a manner mentioned in that paragraph shall be construed as a power to use the land, whether or not it involves the erection, construction or carrying out of any building or work or the maintenance of any building or work.

*Extinguishment of rights of way, and rights  
 as to apparatus, of statutory undertakers*

- 11 (1) This paragraph applies where any land has been acquired by the Agency under section 21A above and—
- (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over that land; or
  - (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.

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- (2) The Agency, if satisfied that the extinguishment of the right or the removal of the apparatus is necessary for the purpose of carrying out any development, may serve on the statutory undertakers a notice—
  - (a) stating that, at the end of the period of 28 days beginning with the day of service of the notice or such longer period as may be specified in it, the right will be extinguished; or
  - (b) requiring that the apparatus be removed before the end of that period.
- (3) The statutory undertakers on whom a notice is served under sub-paragraph (2) above may, before the end of the period of 28 days beginning with the day on which the notice was served, serve a counter-notice on the Agency—
  - (a) stating that they object to all or any provisions of the notice; and
  - (b) specifying the grounds of their objection.
- (4) Where no counter-notice is served under sub-paragraph (3) above—
  - (a) any right to which the notice relates shall be extinguished at the end of the period specified in the notice; and
  - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been complied with, the Agency may remove the apparatus and dispose of it in any way they think appropriate.
- (5) If a counter-notice is served under sub-paragraph (3) above, the Agency may either—
  - (a) withdraw the notice (but without prejudice to the service of a further notice); or
  - (b) apply to the Secretary of State and the appropriate Minister for an order under this sub-paragraph embodying the provisions of the notice with or without modification.
- (6) Where by virtue of this paragraph—
  - (a) any right vested in or belonging to statutory undertakers is extinguished; or
  - (b) any requirement is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the Agency.
- (7) Sections 280 and 282 of the <sup>M63</sup>Town and Country Planning Act 1990 (measure of compensation for statutory undertakers) apply to compensation under sub-paragraph (6) above as they apply to compensation under section 279(2) of that Act.

#### *Orders under paragraph 11*

- 12 (1) Before making an order under sub-paragraph (5) of paragraph 11 above, the Ministers proposing to make the order—
  - (a) shall afford to the statutory undertakers on whom a notice was served under sub-paragraph (2) of that paragraph an opportunity of objecting to the application for the order; and
  - (b) if any objection is made, shall consider the objection and afford to those statutory undertakers and to the Agency an opportunity of

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appearing before, and being heard by, a person appointed by the Secretary of State and the appropriate Minister for the purpose.

- (2) The Ministers may then, if they think fit, make the order in accordance with the application either with or without modification.
- (3) Where an order is made under paragraph 11(5) above—
  - (a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order; and
  - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the Agency may remove the apparatus and dispose of it in any way they think appropriate.

*Notice for same purposes as paragraph 11  
 but given by statutory undertakers to Agency*

- 13 (1) This paragraph applies where any land has been acquired by the Agency under section 21A above and—
  - (a) there is on, under or over the land apparatus vested in or belonging to statutory undertakers; and
  - (b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development.
- (2) The undertakers may serve on the Agency a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.
- (3) Where, after the land has been acquired as mentioned in sub-paragraph (1) above, development of the land begins to be carried out, no notice under sub-paragraph (2) above may be served after the end of the period of 21 days beginning with the day on which the development commenced.
- (4) Where a notice is served under sub-paragraph (2) above, the Agency may, before the end of the period of 28 days beginning with the day on which the notice was served, serve a counter-notice on the statutory undertakers—
  - (a) stating that they object to all or any of the provisions of the notice; and
  - (b) specifying the grounds of their objection.
- (5) Where no counter-notice is served under sub-paragraph (4) above, the statutory undertakers shall, after the end of that period of 28 days, have the rights claimed in their notice.
- (6) If a counter-notice is served under sub-paragraph (4) above, the statutory undertakers who served the notice under this paragraph may either—
  - (a) withdraw it; or
  - (b) apply to the Secretary of State and the appropriate Minister for an order under this sub-paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it appropriate to confer on them.

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- (7) Where, by virtue of this paragraph or an order of Ministers made under it, statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the Agency for the works to be carried out by the Agency, under the superintendence of the undertakers, instead of by the undertakers themselves.
- (8) Where works are carried out for the removal or re-siting of statutory undertakers' apparatus, being works which the undertakers have the right to carry out by virtue of this paragraph or an order of Ministers made under it, the undertakers shall be entitled to compensation from the Agency.
- (9) Sections 280 and 282 of the <sup>M64</sup>Town and Country Planning Act 1990 (measure of compensation for statutory undertakers) apply to compensation under sub-paragraph (8) above as they apply to compensation under section 279(4) of that Act.

## PART IV

### OTHER PROVISIONS

#### *Rights of entry*

- 14 (1) Any person duly authorised in writing by the Agency may, at any reasonable time, enter any land—
  - (a) for the purposes of surveying it, or estimating its value, in connection with any proposal to acquire that land, or any other land, under section 21A above; or
  - (b) in connection with any claim for compensation in respect of any such acquisition.
- (2) Any person duly authorised in writing by the Agency may at any reasonable time enter any land for the purpose of surveying it in order to enable the Agency to determine whether to make an application for planning permission for the carrying out of development of that land.
- (3) Any power conferred by this paragraph to survey land includes power to search and bore for the purpose of ascertaining—
  - (a) the nature of the subsoil; or
  - (b) the presence of minerals or contaminants in it.
- 15 (1) A person authorised under paragraph 14 above to enter any land—
  - (a) shall, if so required by the occupier or anyone acting on his behalf, produce evidence of his authority; and
  - (b) shall not, if the land is occupied, demand admission as of right to it unless 24 hours' notice of the intended entry has been given to the occupier.
- (2) Any person who intentionally obstructs a person acting in the exercise of a power conferred by paragraph 14 above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Where any land is damaged in the exercise of a power of entry conferred by paragraph 14 above, compensation in respect of the damage may be

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recovered by any person interested in the land from the Agency or the Secretary of State.

- (4) Except in so far as may be otherwise provided by regulations made by the Secretary of State under this sub-paragraph, any question of disputed compensation under sub-paragraph (3) above shall be referred to and determined by the Lands Tribunal; and the provisions of sections 2 and 4 of the <sup>M65</sup>Land Compensation Act 1961 apply to the determination of any question under this sub-paragraph, subject to any necessary modifications and to the provisions of any regulations under this sub-paragraph.
- (5) Where under paragraph 14 above a person proposes to carry out any works authorised by sub-paragraph (3) of that paragraph—
  - (a) he shall not carry out those works unless notice of his intention to do so was included in the notice required by sub-paragraph (1)(b) above; and
  - (b) if the land in question is held by statutory undertakers and those undertakers object to the proposed works on the grounds that the carrying out of the works would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out without the authority of the appropriate Minister.
- (6) A person who enters land in the exercise of a power of entry conferred by paragraph 14 above—
  - (a) shall take reasonable care to avoid damage or injury to plant, machinery, equipment, livestock, crops or enclosures; and
  - (b) on leaving the land, shall secure it as effectively against unauthorised entry as he found it.
- (7) If any person who is admitted into a factory, workshop or workplace in the exercise of a power of entry conferred by paragraph 14 above discloses to any person any information obtained by him there as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the purpose for which he was authorised to enter the premises, be guilty of an offence.
- (8) A person guilty of an offence under sub-paragraph (7) above is liable—
  - (a) on summary conviction to a fine not exceeding the statutory maximum; or
  - (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or to both.

*Displacement of legislation preventing possession*

- 16 If the Secretary of State certifies that possession of a house which—
  - (a) has been acquired by the Agency under section 21A above; and
  - (b) is for the time being held by the Agency for the purposes for which it was acquired,
 is immediately required for those purposes, nothing in the <sup>M66</sup>Rent (Agriculture) Act 1976, the <sup>M67</sup>Rent Act 1977 or the <sup>M68</sup>Housing Act 1988 shall prevent the Agency from obtaining possession of the house.

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### *Register of land holdings*

- 17 (1) The Secretary of State may by regulations provide for the keeping by the Agency of a register recording their acquisitions, holdings and disposals of land.
- (2) Regulations under this paragraph may prescribe—
- (a) the kinds of land and the kinds of transactions to be registered;
  - (b) the form of the registers, and the particulars to be contained in them; and
  - (c) the circumstances in which, and conditions subject to which, the registers are to be open to public inspection.

### *Information*

- 18 (1) Where, with a view to performing any function of the Agency relating to land, the Agency considers that they ought to have information connected with that or any other land, the Agency may serve on one or more of—
- (a) the occupier of the land;
  - (b) any person who has an interest in the land either as freeholder, mortgagee or lessee, or who directly or indirectly receives rent for the land; and
  - (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,
- a notice specifying the land and the function and the provision which confers the function.
- (2) The notice shall require the recipient to furnish to the Agency, within a period specified in it (which shall not be less than 14 days beginning with the day on which the notice is served)—
- (a) the nature of his interest in the land; and
  - (b) the name and address of each person whom the recipient of the notice believes to be the occupier of the land and of each person whom he believes to be, as respects the land, a person mentioned in sub-paragraph (1)(b) or (c) above.
- (3) A person who—
- (a) refuses, or fails without reasonable excuse, to comply with the requirements of a notice served on him under sub-paragraph (1) above; or
  - (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- 19 (1) The council of every county and county borough in Wales, every joint planning board for a district in Wales and every National Park authority for a National Park in Wales shall supply the Agency—

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- (a) with such information as the Secretary of State may by regulations prescribe for the purposes of this paragraph (being information which the Agency may need for the purpose of performing their functions); and
  - (b) with such certificates supporting the information as the Secretary of State may in the regulations specify.
- (2) If a local planning authority in Wales receives an application for planning permission, the authority shall as soon as practicable after receipt send a copy of the application to the Agency.
- (3) On any grant of planning permission relating to land in Wales, the local planning authority, or the Secretary of State (if it was granted by him), shall, as soon as is practicable, send a copy of the notification of the planning permission to the Agency.
- (4) Sub-paragraphs (2) and (3) above shall not apply if and so far as the Agency directs.

*Regulations as to form of documents*

- 20 The Secretary of State may make regulations for prescribing the form of any document required or authorised by or under this Schedule.

*Local inquiries*

- 21 Section 250 of the <sup>M69</sup>Local Government Act 1972 (costs of inquiries and expenses of witnesses) shall extend to any public local inquiry held under the <sup>M70</sup>Acquisition of Land Act 1981, by virtue of paragraph 1 above, as if the Agency were a local authority.

*Crown land*

- 22 (1) A private interest in land may be acquired compulsorily under section 21A above even though the land is Crown land if consent is given in writing by the appropriate authority.
- (2) In this paragraph—
- (a) “private interest” means an interest which is not a Crown interest or a Duchy interest;
  - (b) “Crown land” means land in which there is a Crown interest or a Duchy interest;
  - (c) “Crown interest” means an interest belonging to Her Majesty in right of the Crown or belonging to a government department or held in trust for Her Majesty for the purposes of a government department;
  - (d) “Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall; and
  - (e) “appropriate authority” in relation to Crown land shall be determined in accordance with section 293(2) of the <sup>M71</sup>Town and Country Planning Act 1990.



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### *Offences by corporations*

- 23 (1) Where an offence under this Schedule which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate; or
  - (b) any person who was purporting to act in any such capacity,
- he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against accordingly.
- (2) Where the affairs of a body corporate are managed by its members, this paragraph shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of a body corporate.”

#### **Marginal Citations**

**M52** 1981 c. 67.  
**M53** 1981 c. 67.  
**M54** 1981 c. 67.  
**M55** 1981 c. 67.  
**M56** 1981 c. 67.  
**M57** 1965 c. 56.  
**M58** 1978 c. 30.  
**M59** 1961 c. 33.  
**M60** 1965 c. 56.  
**M61** 1857 c. 81.  
**M62** 1965 c. 56.  
**M63** 1990 c. 8.  
**M64** 1990 c. 8.  
**M65** 1961 c. 33.  
**M66** 1976 c. 80.  
**M67** 1977 c. 42.  
**M68** 1988 c. 50.  
**M69** 1972 c. 70.  
**M70** 1981 c. 67.  
**M71** 1990 c. 8.

## SCHEDULE 14

Section 128.

### WELSH DEVELOPMENT AGENCY: OTHER AMENDMENTS

#### **Commencement Information**

**I25** Sch. 14 in force at 1.10.1998 by S.I. 1998/2244, art. 4

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## PART I

### AMENDMENTS OF WELSH DEVELOPMENT AGENCY ACT 1975

#### *Introductory*

- 1 The <sup>M72</sup>Welsh Development Agency Act 1975 has effect subject to the following amendments.

#### **Marginal Citations**

**M72** 1975 c. 70.

#### *Schemes for performance of Agency's functions*

- 2 (1) Section 1 (functions of Agency and purposes for which they may be exercised) is amended as follows.
- (2) In subsection (14) (duty of Agency to submit to Secretary of State for his approval schemes for the performance of such functions as he may direct), for “schemes” substitute “programmes”.
- (3) In subsection (15) (approval of scheme), for “scheme” (in both places) substitute “programme”.

#### *Membership of Agency*

- 3 In section 2(1) (Agency to consist of chairman, deputy chairman and not fewer than seven nor more than nine other members), at the end insert “; but the Secretary of State may by order provide that the maximum number of other members shall be such number greater than nine as is specified in the order.”

#### *Use of agents*

- 4 In section 5(1) (carrying out of certain functions by Agency through a local authority etc.)—
- (a) after “section 1(3)(a)” insert “, (da)”, and
- (b) at the end insert “ or section 21C below.”

#### *Functions relating to industry*

- 5 (1) Section 9 (provision of sites and premises for industry) is amended as follows.
- (2) In subsection (1) (exercise of powers for purpose of providing or managing industrial sites and premises and providing related facilities to be in accordance with arrangements approved by Secretary of State)—
- (a) for “industrial sites and premises” substitute “sites and premises for businesses”, and
- (b) after “related facilities” insert “, or making land available for development,”.

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- (3) In subsection (3) (power of Secretary of State to authorise Agency to provide premises for industrial undertaking free of rent), for “an industrial undertaking” substitute “ a business ”.
- 6 In section 10 (power of Secretary of State to authorise Agency to provide services etc. for development of industry), for “industry” substitute “ businesses ”.

*Schemes for performance of environmental functions*

- 7 (1) Section 15 (the environment) is amended as follows.
- (2) In subsection (1) (schemes relating to the environment), for “schemes” (in both places) substitute “ programmes ”.
- (3) In subsection (2) (payments for work contributing to purposes of such a scheme), for “scheme” substitute “ programme ”.

*Financial duties of Agency*

- 8 In section 17(1) (duty of Secretary of State to determine financial duties of Agency), for “shall” substitute “ may ”.

*Service of documents*

- 9 For section 25 (service of documents) substitute—

**“25 Service of documents.**

Sections 231 and 233 of the <sup>M73</sup>Local Government Act 1972 (service of documents on and by local authorities) shall apply as if the Agency were a local authority.”

**Marginal Citations**

M73 1972 c. 70.

*Interpretation of the 1975 Act*

- 10 (1) Section 27(1) (interpretation) is amended as follows.
- (2) After the definition of “the appropriate Minister” insert—
- ““business” includes any industrial, commercial or professional activities (whether or not with a view to profit) and the activities of any government department or any local or other public authority;
- “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882 and any town or village green;
- “dispose” includes dispose by sale or exchange or dispose by lease (whether by grant or assignment) and related expressions shall be construed accordingly;

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“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;”.

(3) For the definition of “land” substitute—

““land” has the meaning given by Schedule 1 to the <sup>M74</sup>Interpretation Act 1978;

“open space” means any land laid out as a public garden or used for the purposes of public recreation or any land which is a disused burial ground;”.

**Marginal Citations**

**M74** 1978 c. 30.

*Orders under the 1975 Act*

11 (1) Section 28 (orders) is amended as follows.

(2) In subsection (1)—

- (a) after “order” insert “ or regulations ”, and
- (b) for “other than section 22,” substitute “ , other than a compulsory purchase order or an order under paragraph 11(5) or 13(6) of Schedule 4, ”.

(3) After subsection (1) insert—

“(1A) A statutory instrument containing—

- (a) an order under section 2(1) or 21C(2)(i); or
- (b) regulations under paragraph 7 of Schedule 4,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(4) After subsection (2) insert—

“(3) Any regulations or order under this Act—

- (a) may make different provision for different areas or other different cases; and
- (b) may include transitional and other supplementary and incidental provisions.”

(5) In the sidenote, after “Orders” insert “ and regulations ”.

*Agency staff and transactions*

12 (1) Schedule 1 (constitution, staff and proceedings of the Agency) is amended as follows.

(2) In paragraph 8 (Agency staff to be appointed by Agency, but subject to Ministerial consent as to numbers), omit “with the consent” onwards.

(3) In paragraph 9 (payment of remuneration and expenses by Agency to members and staff), omit “with the approval of the Minister for the Civil Service”.

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- (4) In paragraph 10 (payment of pensions by the Agency in respect of members and past members), omit “with the approval of the said Minister”.
- (5) In paragraph 11 (payment of compensation by the Agency to past members) omit—
- (a) “, with the approval of the said Minister,”, and
  - (b) “with the approval of the said Minister”.
- (6) In paragraph 12(1) (payment of pensions, allowances and gratuities to or in respect of employees), omit—
- (a) “with the consent of the Minister for the Civil Service”, and
  - (b) “with the approval of the said Minister”.
- (7) After paragraph 19 (status of documents executed by the Agency) insert—
- “19A(1) A certificate signed by the chief executive of the Agency that any document purporting to be made or issued by or on behalf of the Agency was so made or issued shall be conclusive evidence of that fact.
- (2) A document purporting to be such a certificate shall be received in evidence and be deemed to be such a certificate unless the contrary is proved.
- 19B A person dealing with the Agency, or with a person claiming under the Agency, shall not be concerned to inquire—
- (a) whether any directions have been given to the Agency under this Act or whether any directions so given have been complied with; or
  - (b) whether any approval, authority or consent of the Secretary of State or the Treasury required for any of the purposes of this Act has been given, or whether any condition or limitation subject to which any such approval, authority or consent was given has been complied with,
- and, in favour of any such person, the validity of anything done by the Agency shall not be affected by anything contained in any such direction, approval, authority or consent or by reason that any such direction, approval, authority or consent has not been given.”

## PART II

### AMENDMENTS OF OTHER ENACTMENTS

#### *The Public Bodies (Admission to Meetings) Act 1960 (c.67)*

- 13 In paragraph 1 of the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), after paragraph (b) insert—
- “(ba) the Welsh Development Agency;”.

#### *The Land Compensation Act 1961 (c.33)*

- 14 In section 23(3) of the Land Compensation Act 1961 (cases in which there is no compensation where a planning decision is made after compulsory acquisition etc.), before paragraph (a) insert—
- “(za) under section 21A of the <sup>M75</sup>Welsh Development Agency Act 1975 (acquisitions by Welsh Development Agency);”.

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**Marginal Citations**

**M75** 1975 c. 70.

*The Development of Rural Wales Act 1976 (c.75)*

- 15 In section 26(2) of the <sup>M76</sup>Development of Rural Wales Act 1976 (which provides that the power of the Secretary of State to give financial assistance to persons contributing to social development of Wales does not include power to give assistance to persons carrying on an industrial undertaking), for “an industrial undertaking” substitute “a business; and in this subsection “business” has the same meaning as in the <sup>M77</sup>Welsh Development Agency Act 1975”.

**Marginal Citations**

**M76** 1975 c. 70.

**M77** 1975 c. 70.

*The Acquisition of Land Act 1981 (c.67)*

- 16 The Acquisition of Land Act 1981 has effect subject to the following amendments.
- 17 In section 17(3) (opposed order for compulsory purchase of land of local authority or statutory undertaker not subject to special parliamentary procedure where acquisition is by certain bodies), after “urban development corporation” insert “, the Welsh Development Agency, ”.
- 18 In section 28 (provisions about the acquisition of rights by the creation of new rights to which Schedule 3 of the Act applies), before paragraph (b) insert—  
 “(aa) section 21A of the <sup>M78</sup>Welsh Development Agency Act 1975,”.

**Marginal Citations**

**M78** 1975 c. 70.

- 19 In section 31(1) (acquisition under certain provisions of statutory undertakers’ land without a certificate), after paragraph (c) insert “or  
 (d) section 21A of, and Schedule 4 to, the <sup>M79</sup>Welsh Development Agency Act 1975,”.

**Marginal Citations**

**M79** 1975 c. 70.

- 20 In paragraph 4(3) of Schedule 3 (opposed order for compulsory purchase of rights over land of local authority or statutory undertaker not subject to special parliamentary procedure where acquisition is by certain bodies), after “urban development corporation” insert “, the Welsh Development Agency, ”.

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## SCHEDULE 15

Section 129.

### DEVELOPMENT BOARD FOR RURAL WALES

#### Commencement Information

**I26** Sch. 15 in force at 1.10.1998 by S.I. 1998/2244, art. 4

#### *The Landlord and Tenant Act 1954 (c.56)*

- 1 In section 59(1) of the Landlord and Tenant Act 1954 (compensation for exercise of powers under sections 57 and 58), for “or, subject to subsections (1A) or (1B) below, sections 60A or 60B below” substitute “or, subject to subsection (1A) below, section 60A below”.

#### *The Parliamentary Commissioner Act 1967 (c.13)*

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments subject to investigation), in note 7, for “, a development corporation for a new town or the Development Board for Rural Wales” substitute “or a development corporation for a new town”.

#### *The Local Government Act 1974 (c.7)*

- 3 In paragraph 6 of Schedule 5 to the Local Government Act 1974 (matters not subject to investigation by Commissions for Local Administration), for “, (bb) or (bc)” substitute “or (bb)”.

#### *The Welsh Development Agency Act 1975 (c.70)*

- 4 In section 11(2)(b) of the <sup>M80</sup>Welsh Development Agency Act 1975 (amendment of section 59 of the Landlord and Tenant Act 1954), for “that subsection” substitute “subsection (1)”.

#### Marginal Citations

**M80** 1954 c. 56.

#### *The Local Government (Miscellaneous Provisions) Act 1982 (c.30)*

- 5 In paragraph 2(5)(c) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (relevant corporations for purposes of resolutions relating to street trading), at the end insert “and”.

#### *The Housing Act 1985 (c.68)*

- 6 The Housing Act 1985 has effect subject to the following amendments.
- 7 In section 4(a) (meaning of “housing authority”), for “, a new town corporation or the Development Board for Rural Wales” substitute “or a new town corporation”.

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- 8 In section 50(2) (offences), after “authority” insert “ or ”.
- 9 In section 51(6) (meaning of “qualified accountant”), for “, a new town corporation or the Development Board for Rural Wales” substitute “ or a new town corporation ”.
- 10 In section 114(1) and (2) (meaning of “landlord authority”), after “trust” insert “ , or ”.

*The Landlord and Tenant Act 1985 (c.70)*

- 11 The Landlord and Tenant Act 1985 has effect subject to the following amendments.
- 12 In section 26(1) (sections 18 to 25 not to apply to tenants of certain local authorities), after “Park authority” insert “ , or ”.
- 13 In section 28(6) (meaning of “qualified accountant”), for “, a new town corporation or the Development Board for Rural Wales” substitute “ or a new town corporation ”.
- 14 In paragraph 9(1) of the Schedule (paragraphs 2 to 8 not to apply to tenants of certain public authorities), after “Park authority” insert “ , or ”.

*The Housing Act 1988 (c.50)*

- 15 In section 35(4)(a) of the Housing Act 1988 (cases where a tenancy or licence can be a secure tenancy), for “, a housing action trust established under Part III of this Act or the Development Board for Rural Wales” substitute “ or a housing action trust established under Part III of this Act ”.

*The Local Government and Housing Act 1989 (c.42)*

- 16 <sup>F316</sup> .....

**Textual Amendments**

**F316** Sch. 15 para. 16 repealed (19.7.2002) by [The Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#), arts. 1(2)(d)(ii), 15, [Sch. 6](#)

*The Water Industry Act 1991 (c.56)*

- 17 In section 97(5) of the Water Industry Act 1991 (performance of sewerage undertaker’s functions by local authorities etc.)—
- (a) in the definition of “relevant area”, at the end of paragraph (c) insert “ and ”, and
- (b) in the definition of “relevant authority”, in paragraph (b), for “, a development corporation for a new town or the Development Board for Rural Wales” substitute “ or a development corporation for a new town ”.



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*The Social Security Administration Act 1992 (c.5)*

- 18 In section 191 of the Social Security Administration Act 1992 (interpretation), in the definition of “housing authority”, for “, Scottish Homes or the Development Board for Rural Wales” substitute “ or Scottish Homes ”.

SCHEDULE 16

Section 140.

HOUSING FOR WALES

**Commencement Information**

**I27** Sch. 16 in force at 1.11.1998 by S.I. 1998/2244, art. 5

*The Friendly and Industrial and Provident Societies Act 1968 (c.55)*

- 1 In section 4A(3)(b) of the Friendly and Industrial and Provident Societies Act 1968 (societies to which power to disapply section 4 does not apply), for “Housing for Wales” substitute “ the Secretary of State ”.

*The Protection from Eviction Act 1977 (c.43)*

- 2 In section 3A(8) of the Protection from Eviction Act 1977 (excluded licences)—
- (a) in paragraph (g), omit “or Housing for Wales”, and
  - (b) after that paragraph insert—
    - “(ga) the Secretary of State under section 89 of the <sup>M81</sup>Housing Associations Act 1985;”.

**Marginal Citations**

**M81** 1985 c. 69.

*The Criminal Law Act 1977 (c.45)*

- 3 (1) Section 12A of the Criminal Law Act 1977 (protected intending occupiers) is amended as follows.
- (2) In subsection (7), omit “(c) Housing for Wales;”.
  - (3) After that subsection insert—
    - “(7A) Subsection (6) also applies to the Secretary of State if the tenancy or licence is granted by him under Part III of the <sup>M82</sup>Housing Associations Act 1985.”

**Marginal Citations**

**M82** 1985 c. 69.

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*The Housing Act 1985 (c.68)*

- 4 The Housing Act 1985 has effect subject to the following amendments.
- 5 Subject to the following provisions, in each place (except in the phrases “Housing Corporation”, “the Income and Corporation Taxes Act 1988” and “British Coal Corporation”), for “Corporation” substitute “ Relevant Authority ”.
- 6 In section 5(4)(b) (meaning of “registered social landlord”), for “Housing for Wales” substitute “ the Secretary of State ”.
- 7 In section 6A(1) and (2) (interpretation), for “Housing for Wales” substitute “ the Secretary of State ”.
- 8 (1) Section 45 (definition of “public sector authority”) is amended as follows.
- (2) In subsection (2), for “Corporation” substitute “ Housing Corporation or Scottish Homes ”.
- (3) After that subsection insert—
- “(2A) In subsection (1)(a) “public sector authority” also includes the Secretary of State if the freehold has been conveyed by him (or Housing for Wales) under section 90 of the <sup>M83</sup>Housing Associations Act 1985.”

**Marginal Citations**

**M83** 1985 c. 69.

- 9 In section 57 (index of defined expressions), omit the entry relating to “the Corporation”.
- 10 In section 92(2A)(a) (assignments by way of exchange), omit “Housing for Wales,”.
- 11 In section 117 (index of defined expressions)—
- (a) omit the entry relating to “the Corporation”, and
- (b) after the entry relating to “registered social landlord” insert—
- 
- “the Relevant Authority section 6A”.
- 
- 12 In section 157(4) (restriction on disposal of dwelling-houses in National Parks etc.), after “association” insert “ within section 6A(3) or (4) ”.
- 13 In section 171(2) (power to extend right to buy etc.), for “Corporation” substitute “ Housing Corporation or Scottish Homes ”.
- 14 In section 188 (index of defined expressions)—
- (a) omit the entry relating to “the Corporation”, and
- (b) after the entry relating to “regular armed forces of the Crown” insert—
- 
- “the Relevant Authority section 6A”.
- 
- 15 (1) Section 429A (housing management: financial assistance) is amended as follows.
- (2) In subsection (2A), omit paragraph (b).

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(3) After that subsection insert—

“(2B) The reference in subsection (2)(a) to a body within subsection (2A) includes the Secretary of State if he has the interest as the result of the exercise by him (or Housing for Wales) of functions under Part III of the <sup>M84</sup>Housing Associations Act 1985.”

**Marginal Citations**

**M84** 1985 c. 69.

16 In section 450A (loans for service charges in right to buy cases), after subsection (1) insert—

“(1A) But, except for cases where he is the landlord as the result of the exercise by him (or Housing for Wales) of functions under Part III of the <sup>M85</sup>Housing Associations Act 1985, the regulations may not contain provision for cases where the Secretary of State is the landlord.”

**Marginal Citations**

**M85** 1985 c. 69.

17 (1) Section 450B (loans for service charges) shall be amended as follows.

(2) After subsection (1) insert—

“(1A) But, except for cases where he is the landlord as the result of the exercise by him (or Housing for Wales) of functions under Part III of the <sup>M86</sup>Housing Associations Act 1985, the regulations may not contain provision for cases where the Secretary of State is the landlord.”

(3) After subsection (3) insert—

“(3A) For the purposes of this section a long lease granted or assigned by the Secretary of State shall only be taken to have been granted or assigned by a housing authority if the Secretary of State granted or assigned it in exercise of his powers under section 90 of the <sup>M87</sup>Housing Associations Act 1985.”

**Marginal Citations**

**M86** 1985 c. 69.

**M87** 1985 c. 69.

18 (1) Section 458 (definitions) is amended as follows.

(2) That section is renumbered as subsection (1) of that section and in that subsection, in the definition of “housing authority”, after “includes” insert “ (subject to subsection (2)) ”.

(3) After that subsection insert—

“(2) In section 444 “housing authority” does not include the Secretary of State unless the interest in the house is or was acquired on a disposal by him under

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section 90 of the <sup>M88</sup>Housing Associations Act 1985; and in section 452 “housing authority” does not include the Secretary of State unless the disposal was under that section 90.”

#### Marginal Citations

**M88** 1985 c. 69.

- 19 In section 459 (index of defined expressions)—
- (a) omit the entry relating to “the Corporation”, and
  - (b) after the entry relating to “registered social landlord” insert—
- 
- “the Relevant Authority section 6A”.
- 
- 20 In section 577 (index of defined expressions)—
- (a) omit the entry relating to “the Corporation”, and
  - (b) after the entry relating to “reinstatement grant” insert—
- 
- “the Relevant Authority section 6A”.
- 
- 21 (1) Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies) is amended as follows.
- (2) In Ground 10A in Part II, for “Corporation” substitute “ Housing Corporation or Scottish Homes ”.
  - (3) In paragraph 6 of Part V, for “registered social landlord, the Corporation, and not the Secretary of State,” substitute “ social landlord registered in the register maintained by the Housing Corporation under section 1 of the <sup>M89</sup>Housing Act 1996 or a housing association registered in the register maintained by Scottish Homes under section 3 of the <sup>M90</sup>Housing Associations Act 1985, the Housing Corporation, or Scottish Homes, (and not the Secretary of State) ”.

#### Marginal Citations

**M89** 1996 c. 52.

**M90** 1985 c. 69.

- 22 In paragraph 7(1) of Schedule 4 (landlords for the purposes of right to buy etc.), for “Corporation” substitute “ Housing Corporation or Housing for Wales ”.

#### *The Housing Associations Act 1985 (c.69)*

- 23 The Housing Associations Act 1985 has effect subject to the following amendments.
- 24 (1) Section 9 (control of dispositions of grant-aided land by unregistered housing associations) is amended as follows.
- (2) In subsection (1A)(c), for “Housing for Wales” substitute “ the Secretary of State ”.

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- (3) In subsection (6)—
- (a) omit “or Housing for Wales”, and
  - (b) before “Scottish Homes” insert “ the Secretary of State or ”.
- 25 In section 10(1)(c) (requirement that Charity Commissioners consult before making certain orders), for “Housing for Wales” substitute “ the Secretary of State ”.
- 26 In section 33A (provision of services between the Housing Corporation, Housing for Wales and Scottish Homes), for “bodies, that is to say, the Housing Corporation, Housing for Wales” substitute “ , that is to say, the Housing Corporation, the Secretary of State ”.
- 27 (1) Section 69 (power to vary or terminate certain agreements with housing associations) is amended as follows.
- (2) In subsection (1)(a), after “Housing for Wales” insert “ and then to the Secretary of State ”.
- (3) In subsection (2)—
- (a) for “On the application of a party to an agreement to which this section applies, the Secretary of State” substitute “ If any person (other than the Secretary of State) who is a party to an agreement to which this section applies makes an application to the Secretary of State, he ”, and
  - (b) at the end (but not as part of paragraph (b)) insert— “ and where the Secretary of State is a party to such an agreement, he may agree that it shall have effect with any variations or that it shall be terminated. ”
- (4) In subsection (2A)—
- (a) after “Housing for Wales”, in the first place, insert “ and then to the Secretary of State ”, and
  - (b) for “Housing for Wales”, in the second place, substitute “ the Secretary of State ”.
- 28 Subject to the following provisions, in each place in Part III (including headings and sidenotes) except in Schedule 6 and the phrase “Housing Corporation”—
- (a) for “Corporation” substitute “ Relevant Authority ”, and
  - (b) for “Corporation’s” substitute “ Relevant Authority’s ”.
- 29 (1) Section 74 (interpretation) is amended as follows.
- (2) In subsection (1), for “, and Housing for Wales, each of which” substitute “and the Secretary of State.
- (1A) Each of them”.
- (3) In subsection (4)(a), for “Housing for Wales” substitute “ the Secretary of State ”.

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### Textual Amendments

**F317** Sch. 16 para. 30 repealed (2.4.2001) by 2000 c. 34, s. 9(2), Sch. 3 (with s. 10(5)); S.I. 2001/566, art. 2(1) (subject to art. 2(2))

- 31 In section 76(1), (2) and (4) (directions by the Secretary of State), for “Corporation” substitute “ Housing Corporation ”.
- 32 (1) Section 76A (realisation of value of Corporation’s loans portfolio) is amended as follows.
- (2) In subsections (1), (2) and (4), for “Corporation” (in each place) substitute “ Housing Corporation ”.
- (3) In subsection (3) (and in the sidenote), for “Corporation’s” (in each place) substitute “ Housing Corporation’s ”.
- 33 In section 77(3) (joint provision of advisory service by Housing Corporation and Housing for Wales), for “Housing for Wales” substitute “ the Secretary of State ”.
- 34 In section 78(1) (annual report), for “Corporation” substitute “ Housing Corporation ”.
- 35 (1) Section 79 (lending powers) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) The Relevant Authority may lend to a registered social landlord or an unregistered self-build society, and the Housing Corporation may lend to any of its subsidiaries or to any other body in which it holds an interest, for the purpose of enabling the body to meet the whole or part of expenditure incurred or to be incurred by it in carrying out its objects.
- (2) The Relevant Authority may lend to an individual for the purpose of enabling him to acquire from—
- (a) the Relevant Authority, or
- (b) any body to which the Relevant Authority may lend under subsection (1),
- a legal estate or interest in a dwelling which he intends to occupy.”
- (3) In subsection (4), after “and” insert “ (in the case of a loan by the Housing Corporation) ”.
- 36 (1) Section 80 (security for loans to unregistered self-build societies) is amended as follows.
- (2) In subsection (1), omit “, with the written consent of the Secretary of State,”.

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- (3) In subsection (3), omit “given with the like consent”.
- (4) After that subsection insert—
- “(3A) The written consent of the Secretary of State is required for the giving, varying or revoking of directions by the Housing Corporation.”
- (5) In subsection (4), for the words from “consent” to “or to” substitute “ give directions under this section requiring a society to transfer its interest in land to him or any other person, and shall not consent to the Housing Corporation’s giving such directions requiring a society to transfer its interest in land to the Housing Corporation or ”.
- 37 (1) Section 83 (power to guarantee loans) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The Relevant Authority may guarantee the repayment of the principal of, and the payment of interest on, sums borrowed by registered social landlords or unregistered self-build societies; and the Housing Corporation may guarantee the repayment of the principal of, and the payment of interest on, sums borrowed by other bodies in which it holds an interest.”
- (3) After that subsection insert—
- “(1A) The consent of the Secretary of State given with the approval of the Treasury is required for the giving of a guarantee by the Housing Corporation and the approval of the Treasury is required for the giving of a guarantee by the Secretary of State.”
- (4) In subsection (3A), for “Housing for Wales” (in each place) substitute “ the Secretary of State (or Housing for Wales) ”.
- 38 (1) Section 84 (agreements to indemnify certain lenders) is amended as follows.
- (2) In subsection (1), omit “, with the approval of the Secretary of State,”.
- (3) In subsection (4), for “Secretary of State” substitute “ Housing Corporation may not enter into an agreement without the approval of the Secretary of State who ”.
- (4) In subsection (5), after “approval” insert “ and before himself entering into an agreement in a form about which he has not previously consulted under this subsection ”.
- 39 In section 85(4) (meaning of “relevant advance”)—
- (a) for “Corporation” substitute “ Housing Corporation ”, and
- (b) at the end (but not as part of the list) insert— “ or an advance made to such a person by the Secretary of State if the conveyance, assignment or grant was made under section 90. ”
- 40 In section 87(2) (ways in which financial assistance under the section may be given), after “giving any form of financial assistance” insert “ under this section ”.

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- 41 In section 88(1) (acquisition of land), for “may be authorised by the Secretary of State to” substitute “the Housing Corporation may be authorised by the Secretary of State to, and the Secretary of State may,”.
- 42 (1) Section 90 (disposal of land) is amended as follows.
- (2) In subsection (1), for the words “(ancillary development)” onwards substitute “(ancillary development) to a registered social landlord or an unregistered self-build society; and the Housing Corporation may dispose of such land to any of its subsidiaries or to any other body in which it holds an interest.”
- (3) In subsection (2), for the words following “new town corporation” substitute “, or  
Scottish Homes;  
  
and the Housing Corporation may dispose of any such land to any of its subsidiaries.”
- (4) In subsection (3), after “acquired” insert “by the Housing Corporation”.
- (5) In subsection (4), after “disposed of” insert “by the Housing Corporation”.
- (6) In subsection (5)—
- (a) in paragraph (a) (in both places) and in the words following paragraph (b), for “Corporation” substitute “Housing Corporation”, and
- (b) in paragraph (b), after “disposed of” insert “by the Housing Corporation”.
- (7) In subsection (6), for “Corporation” substitute “Housing Corporation”.
- 43 In section 91 (protection of persons deriving title under transactions requiring consent), for “Corporation” (in each place) substitute “Housing Corporation”.
- 44 In section 92 (borrowing powers), for “Corporation” (in each place) substitute “Housing Corporation”.
- 45 (1) Section 93 (limit on borrowing) is amended as follows.
- (2) In subsections (1), (4) and (5), for “Corporation” (in each place) substitute “Housing Corporation”.
- (3) In subsection (2)—
- (a) for “Corporation”, in each place other than the last, substitute “Housing Corporation”, and
- (b) for “appropriate to the Corporation” substitute “specified”.
- (4) In subsection (2A), omit—
- (a) “in the case of the Housing Corporation,”, and
- (b) paragraph (b) and the word “and” preceding it.



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- 46 In section 94(1) and (4) (Treasury guarantees of borrowing), for “Corporation” substitute “Housing Corporation”.
- 47 In section 95 (grants by Secretary of State), in subsection (1) (and in the side-note) for “Corporation” (in each place) substitute “Housing Corporation”.
- 48 (1) Section 96 (general financial provisions) is amended as follows.  
(2) In subsections (1), (2), (3) and (4), for “Corporation” (in each place) substitute “Housing Corporation”.  
(3) In subsections (3) and (4), for “Corporation’s” substitute “Housing Corporation’s”.
- 49 In section 97(1), (2), (3) and (4) (accounts), for “Corporation” (in each place) substitute “Housing Corporation”.
- 50 In section 98(1) (acquisition of securities and promotion of body corporate), for “Corporation” substitute “Housing Corporation”.
- 51 In section 99(1) and (2) (control of subsidiaries), for “Corporation” (in each place) substitute “Housing Corporation”.
- 52 In paragraph 6(2)(b) of Part I of Schedule 5 (payments by Secretary of State where dwellings become vested in certain bodies), omit “or Housing for Wales”.
- 53 (1) Schedule 7 (powers exercisable where loan outstanding under section 2 of the <sup>M91</sup>Housing Act 1964) is amended as follows.  
(2) In paragraph 2—  
(a) in sub-paragraph (1), omit “, with the consent in writing of the Secretary of State,”,  
(b) in sub-paragraph (2), omit “given with the like consent”, and  
(c) after that sub-paragraph insert—  
“(3) The written consent of the Secretary of State is required for the giving, varying or revoking of directions by the Housing Corporation.”  
(3) In paragraph 3—  
(a) for “Corporation” (in both places) substitute “Housing Corporation”, and  
(b) at the end insert “; and the Secretary of State shall not give a housing association directions under paragraph 2 unless he at the same time makes, or has previously made, such a scheme.”  
(4) Paragraph 4 shall be renumbered as sub-paragraph (1) of that paragraph and—  
(a) in that sub-paragraph, for “Corporation” (in both places) substitute “Housing Corporation”, and  
(b) after that sub-paragraph insert—

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“(2) The Secretary of State shall not give to such an association directions under paragraph 2 requiring the association to transfer any land to the Secretary of State, or to any other person, unless he is so satisfied.”

(5) In paragraph 5—

(a) in sub-paragraph (1), for “Corporation” (in both places) substitute “Housing Corporation”,

(b) after that sub-paragraph insert—

“(1A) If it so appears to the Secretary of State, he may make a scheme.”,

(c) in sub-paragraphs (3), (4) and (5), for “Corporation” substitute “Housing Corporation”, and

(d) after sub-paragraph (5) insert—

“(6) Where the Secretary of State makes the scheme, he shall have power to acquire for the purposes of the scheme the association’s interest in the land and to carry through the provisions of the scheme.”

**Marginal Citations**  
M91 1964 c. 56.

*The Income and Corporation Taxes Act 1988 (c.1)*

54 The Income and Corporation Taxes Act 1988 has effect subject to the following amendments.

55 In section 376(4) (qualifying lenders), for paragraph (ka) substitute—

“(ka) the Secretary of State if the loan is made by him under section 79 of the <sup>M92</sup>Housing Associations Act 1985;”.

**Marginal Citations**  
M92 1985 c. 69.

56 In section 488(7A) (co-operative housing associations), omit paragraph (b) and the word “and” preceding it.

57 In section 489(5A) (self-build societies), omit paragraph (b) and the word “and” preceding it.

58 F318 .....

**Textual Amendments**  
F318 Sch. 16 para. 58 repealed (22.7.2004) by Finance Act 2004 (c. 12), ss. 326, Sch. 42 Pt. 2(7)

*The Housing Act 1988 (c.50)*

59 The Housing Act 1988 has effect subject to the following amendments.

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- 60 In section 35(5) (protected and statutory tenancies not prevented from being housing association tenancies or secure tenancies where landlord interest becomes held by certain bodies), for “, the Housing Corporation or Housing for Wales” substitute “ or the Housing Corporation ”.
- 61 (1) Subject to the following provisions, in each place in Part II (including headings) except in the phrases “Housing Corporation” and “the Income and Corporation Taxes Act 1988”, for “Corporation” substitute “ Relevant Authority ”.
- (2) Sub-paragraph (1) and paragraphs 64 to 66 extend only to England and Wales.
- 62 Omit section 46 (Housing for Wales).
- 63 Omit section 47 (transfer to Housing for Wales of regulation etc. of housing associations based in Wales).
- 64 (1) Section 50 (housing association grants applied for before the commencement of section 28(1) of the <sup>M93</sup>Housing Act 1996) is amended as follows.
- (2) For subsection (5) (approval required for appointment of local housing authority as agent) substitute—
- “(5) In subsection (4) above “the appropriate approval” means—
- (a) if the appointment is made by the Housing Corporation, the approval of the Secretary of State given with the consent of the Treasury, and
- (b) if the appointment is made by the Secretary of State, the consent of the Treasury.”
- (3) In subsection (8) (agreements between the Housing Corporation and Housing for Wales)—
- (a) for “Housing for Wales” substitute “ the Secretary of State ”, and
- (b) for “two Corporations” substitute “ Housing Corporation and the Secretary of State ”.

#### Marginal Citations

M93 1996 c. 52.

- 65 In section 53(2) (general determinations by the Corporation only to be made with approval of Secretary of State), for “Corporation” substitute “ Housing Corporation ”.
- 66 In section 57 (delegation of functions by Secretary of State)—
- (a) for “Corporation” substitute “ Housing Corporation ”,
- (b) after “functions” insert “ , so far as they relate to English registered social landlords, ”, and
- (c) at the end insert—

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“In this section “English registered social landlords” means social landlords registered in the register maintained by the Housing Corporation under section 1 of the <sup>M94</sup>Housing Act 1996.”

#### Marginal Citations

M94 1996 c. 52.

- 67 In section 59(2) (introduction of Schedule 6)—
- (a) in paragraph (b), omit “the establishment by this Part of this Act of Housing for Wales and”, and
  - (b) in paragraph (c), for “other” substitute “ the ”.
- 68 In section 81 (consent of Secretary of State to certain subsequent disposals of houses disposed of by housing action trusts)—
- (a) in subsection (6), for “Corporation” (in both places) substitute “ Housing Corporation ”, and
  - (b) in subsection (7), for “in accordance with subsection (6) above” substitute “ under this section ”.
- 69 (1) Section 82 (legal assistance to tenants) is amended as follows.
- (2) In subsections (2), (3) and (4) (and in the side-note), for “Corporation” (in each place) substitute “ Relevant Authority ”.
- (3) In subsection (5)—
- (a) for “Corporation”, in the first and second places, substitute “ Relevant Authority ”, and
  - (b) for “which Corporation that is” substitute “ whether that is the Housing Corporation or the Secretary of State ”.
- 70 Omit section 92(2) (meaning of “the Corporation” in Part III).
- 71 In section 133 (consent of Secretary of State to certain subsequent disposals of houses disposed of by local authorities)—
- (a) in subsection (6), omit “or Housing for Wales”, and
  - (b) in subsection (7), for “in accordance with subsection (6) above” substitute “ under this section ”.
- 72 In section 140(1) (amendments), omit the words “and in that Schedule” onwards.
- 73 Omit Schedule 5 (constitution etc. of Housing for Wales).
- The Local Government and Housing Act 1989 (c.42)*
- 74 The Local Government and Housing Act 1989 has effect subject to the following amendments.
- 75 In section 172(2)(b) (transfer of new town housing stock), omit “or Housing for Wales”.
- 76 (1) Section 173 (consent required for subsequent disposals) is amended as follows.

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- (2) In subsection (6), omit “or Housing for Wales”.
- (3) In subsection (7), for “in accordance with subsection (6) above” substitute “ under this section ”.

*The Taxation of Chargeable Gains Act 1992 (c.12)*

- 77 The Taxation of Chargeable Gains Act 1992 has effect subject to the following amendments.
- 78 In section 218(3) (disposals between Housing for Wales and certain housing associations), for “ “Housing for Wales” ” substitute “ “the Secretary of State” ”.
- 79 In section 219(2) (disposals by Housing for Wales etc. and certain housing associations), for “ “Housing for Wales” ” substitute “ “the Secretary of State” ”.
- 80 In the heading preceding section 218 and in the sidenotes of that section and section 219, for “Housing for Wales” substitute “ the Secretary of State ”.

*The Housing Act 1996 (c.52)*

- 81 Part I of the Housing Act 1996 has effect subject to the following amendments.
- 82 (1) Subject to the following provisions, in each place (including headings and sidenotes) except in the phrase “Housing Corporation”—
  - (a) for “Corporation” substitute “ Relevant Authority ”, and
  - (b) for “Corporation’s” substitute “ Relevant Authority’s ”.
- (2) Sub-paragraph (1) does not apply to Schedule 3.
  
- 83 (1) Section 1 (register of social landlords) is amended as follows.
  - (2) In subsection (1), omit “at the head office of the Corporation”.
  - (3) After that subsection insert—
    - “(1A) In this Part “the Relevant Authority” means the Housing Corporation or the Secretary of State, as provided by section 56.
    - (1B) The register maintained by the Housing Corporation shall be maintained at its head office.”
  - (4) Omit subsection (2).
- 84 (1) Section 9 (Corporation’s consent required for disposal of land by registered social landlord) is amended as follows.
  - (2) In subsection (1), omit “, given by order under the seal of the Corporation,”.
  - (3) After that subsection insert—
    - “(1A) The consent—
      - (a) if given by the Housing Corporation, shall be given by order under its seal, and
      - (b) if given by the Secretary of State, shall be given by order in writing.”

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- 85 (1) Section 18 (social housing grants) is amended as follows.
- (2) For subsection (5) substitute—
- “(5) The appointment—
- (a) if made by the Housing Corporation, shall be on such terms as the Housing Corporation may, with the approval of the Secretary of State given with the consent of the Treasury, specify, and
- (b) if made by the Secretary of State, shall be on such terms as the Secretary of State may, with the consent of the Treasury, specify;
- and, in either case, the authority shall act in accordance with those terms.”
- (3) In subsection (8)—
- (a) for “Housing for Wales” substitute “ the Secretary of State ”, and
- (b) for “two Corporations” substitute “ Housing Corporation and the Secretary of State ”.
- 86 For section 30(5) (notices requiring giving of information or production of documents) substitute—
- “(5) A notice under this section—
- (a) if given by the Housing Corporation, shall be given under its seal, and
- (b) if given by the Secretary of State, shall be given in writing.”
- 87 For section 36(3) and (4) (issue of guidance about management of housing accommodation) substitute—
- “(3) Before issuing any guidance under this section the Relevant Authority shall consult such bodies appearing to the Relevant Authority to be representative of registered social landlords as the Relevant Authority considers appropriate; and where the Relevant Authority issues guidance under this section it shall be issued in such manner as the Relevant Authority considers appropriate for bringing it to the notice of the landlords concerned.
- (4) The Housing Corporation shall not issue guidance under this section unless—
- (a) it has been submitted in draft to the Secretary of State for his approval, and
- (b) the Secretary of State has given his approval to the draft.”
- 88 (1) Section 46 (appointment of manager to implement agreed proposals) is amended as follows.
- (2) In subsections (1) and (6), omit “under its seal”.
- (3) After subsection (6) insert—
- “(7) An order under this section—
- (a) if made by the Housing Corporation, shall be made under its seal, and
- (b) if made by the Secretary of State, shall be made in writing.”

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- 89 In section 49(3) (forms of assistance which require consent of Secretary of State), for “following forms of assistance require” substitute “ giving by the Housing Corporation of the following forms of assistance requires ”.
- 90 In section 51(2) (the bodies that are social landlords for the purposes of having complaints against them investigated by a housing ombudsman)—
- (a) in paragraph (a), after “registered social landlord” insert “ or a body which was at any time a registered social landlord ”, and
  - (b) in paragraph (d), for “Corporation” substitute “ Housing Corporation, or with Housing for Wales, ”.
- 91 In section 52(1) (provisions about powers of Secretary of State to make orders), for “this Part” substitute “ section 2, 17, 39, 51 or 55 or Schedule 2 ”.
- 92 In section 53(1), (4) and (5) (provisions about determinations), for “Corporation” substitute “ Housing Corporation ”.
- 93 In section 54 (determinations requiring the Secretary of State’s approval), for “Corporation” substitute “ Housing Corporation ”.
- 94 In section 56(1), (2) and (4) (definitions), for “Housing for Wales” substitute “ the Secretary of State ”.
- 95 In section 64 (index of defined expressions)—
- (a) omit the entry relating to “the Corporation”, and
  - (b) after the entry relating to “registrar of companies” insert—
- 
- |                         |              |
|-------------------------|--------------|
| “the Relevant Authority | section 56”. |
|-------------------------|--------------|
- 
- 96 (1) Schedule 1 (regulation of registered social landlords) is amended as follows.
- (2) In paragraphs 9 and 11—
- (a) in sub-paragraph (3), omit “given by order under the seal of the Corporation”, and
  - (b) after that sub-paragraph insert—
- “(3A) Consent under sub-paragraph (3)—
    - (a) if given by the Housing Corporation, shall be given by order under its seal, and
    - (b) if given by the Secretary of State, shall be given by order in writing.”
- (3) In paragraphs 12(6) and 13(7), for “are to consent given by order under the seal of the Corporation” substitute “are—
- (a) if it is given by the Housing Corporation, to consent given by order under its seal, and

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- (b) if it is given by the Secretary of State, to consent given by order in writing.”
- (4) For paragraph 15(5) substitute—
- “(5) In any other case—
- (a) the Relevant Authority may dispose of property transferred to it by virtue of this paragraph to a registered social landlord, and
- (b) the Housing Corporation may dispose of property transferred to it by virtue of this paragraph to any of its subsidiaries.”
- (5) In paragraph 20(3)—
- (a) after “appointed”, in the first place, insert “ by the Housing Corporation to conduct an inquiry ”,
- (b) for “Corporation” substitute “ Housing Corporation ”, and
- (c) before “appointed”, in the second place, insert “ so ”.
- (6) In paragraph 27(1)—
- (a) omit “, with the consent of the Secretary of State,”, and
- (b) at the end insert—
- “The consent of the Secretary of State is required for the giving of directions by the Housing Corporation.”
- (7) In paragraph 27(4), for “The consent” substitute “ If the transfer is directed by the Housing Corporation, the consent ”.
- (8) In paragraph 28(2), in the entry relating to section 79 of the <sup>M95</sup>Housing Associations Act 1985, for “Housing Corporation” substitute “ Relevant Authority ”.

#### Marginal Citations

M95 1985 c. 69.

- 97 (1) Schedule 2 (social rented sector: housing complaints) is amended as follows.
- (2) In paragraph 6(2), for “Corporation” (in both places) substitute “ Housing Corporation ”.
- (3) In paragraph 11(4), for “Corporation” (in both places) substitute “ Housing Corporation ”.

#### *The Audit Commission Act 1998 (c.18)*

- 98 The Audit Commission Act 1998 has effect subject to the following amendments.
- 99 (1) Section 40 (power of Secretary of State to direct carrying out of programme agreed between the Corporation and the Audit Commission) is amended as follows.
- (2) In subsection (1), for “Corporation” substitute “ Relevant Authority ”.
- (3) In subsection (2), for “Corporation” substitute “ Housing Corporation ”.
- (4) <sup>F319</sup> .....



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(5) In subsections (4) and (6), for “Corporation” (in each place) substitute “ Relevant Authority ”.

#### Textual Amendments

**F319** Sch. 16 para. 99(4) repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 72, 73, Sch. 4; S.I. 2005/558, art. 2 {Sch. 1} (subject to Sch. 2)

- 100 In section 41(1) and (4) (provisions supplementary to section 40), for “Corporation” substitute “ Relevant Authority ”.
- 101 In section 42 (functions of Audit Commission in relation to accounts of registered social landlords), for “Corporation” (in each place) substitute “ Relevant Authority ”.
- 102 In section 43 (interpretation), for “Corporation” substitute “ Relevant Authority ”.

## SCHEDULE 17

Section 144.

### AUDIT ETC. OF WELSH PUBLIC BODIES

#### Commencement Information

**I28** Sch. 17 in force at 1.12.1998 by S.I. 1998/2789, art. 2

## PART I

### BODIES SUBJECT GENERALLY TO AUDIT ETC. PROVISIONS

- 1 A body specified in Part I or III of Schedule 4<sup>F320</sup> . . . .

#### Textual Amendments

**F320** Words in Sch. 17 Pt. 1 para. 1 repealed (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 65(4), 72, 73, Sch. 4; S.I. 2005/558, art. 2 {Sch. 1} (subject to Sch. 2)

- 2 An Agricultural Land Tribunal established for an area wholly in, or consisting of, Wales.
- 3 A housing action trust established for an area wholly in Wales.
- 4 The Local Government Boundary Commission for Wales.
- 5 The Mental Health Review Tribunal for Wales.
- 6 The National Library of Wales.
- 7 The National Museum of Wales.

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- 8 A panel, established under Schedule 10 to the <sup>M96</sup>Rent Act 1977, of persons to act as chairmen and other members of rent assessment committees for an area or areas every part of which is in Wales.

#### Marginal Citations

**M96** 1977 c. 42.

- 9 The Royal Commission on Ancient and Historical Monuments of Wales.
- 10 An urban development corporation established for an urban development area wholly in Wales.
- 11 A valuation tribunal exercising functions in relation only to Wales or an area of Wales.

## PART II

### BODIES PARTIALLY SUBJECT TO AUDIT ETC. PROVISIONS

- 12 <sup>F321</sup> .....

#### Textual Amendments

**F321** Sch. 17 para. 12 repealed (1.10.2002 for E.W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 37(2), **Sch. 2 Pt. 2 para. 66(3)**, **Sch. 9 Pt. 1**; S.I. 2002/2478, arts. 2(1), **3(1)(d)** (subject to art. 3(3) and with transitional provisions in art. 4) (S.I. 2002/2532, arts. 1(3), 2, Sch. purports to bring Sch. 2 Pt. 2 para. 66(3) of the repealing Act into force on 10.10.2002 in relation to Wales only)

- [<sup>F322</sup>12A A Local Health Board.]

#### Textual Amendments

**F322** Sch. 17 para. 12A inserted (10.10.2002 for W. and in accordance with art. 1(1) of the commencing S.I. for E.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 6(2), **Sch. 5 para. 42(3)**; S.I. 2002/2532 {art. 2}, Sch.; S.I. 2006/1407, arts. 1, 2, **Sch. 1 Pt. 2 para. 12** (with art. 4)

- 13 A National Health Service trust all or most of whose hospitals, establishments and facilities are situated in Wales or any trustees appointed in pursuance of [<sup>F323</sup>paragraph 10 of Schedule 3 to the National Health Service (Wales) Act 2006] for such a trust.

#### Textual Amendments

**F323** Words in Sch. 17 para. 13 substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 193(a)** (with Sch. 3 Pt. 1)

- 14 A Special Health Authority performing functions only or mainly in respect of Wales.

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[<sup>F324</sup>14A A body of trustees appointed in pursuance of section 29(1) of the National Health Service Reorganisation Act 1973 and section 95(1) of the National Health Service Act 1977 [<sup>F325</sup>and section 160(1) of the National Health Service (Wales) Act 2006] for a trust all or most of whose hospitals, establishments and facilities are situated in Wales.]

#### Textual Amendments

**F324** Sch. 17 Pt. 2 para. 14A inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 73, Sch. 2 para. 51; S.I. 2005/558, art. 2 {Sch. 1} (subject to Sch. 2)

**F325** Words in Sch. 17 para. 14A inserted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), Sch. 1 para. 193(b) (with Sch. 3 Pt. 1)

### PART III

#### BODIES SUBJECT ONLY TO PROVISIONS ABOUT ACCOUNTING OFFICERS AND EXAMINATIONS OF USE OF RESOURCES

- 15 The Arts Council of Wales.  
16 The Sports Council for Wales.

### SCHEDULE 18

Section 152.

#### REPEALS

### PART I

#### WELSH ADMINISTRATION OMBUDSMAN AND HEALTH SERVICE COMMISSIONER FOR WALES

#### Commencement Information

**I29** Sch. 18 Pt. I wholly in force at 1.7.1999; Sch. 18 Pt. I in force for certain purposes at 1.2.1999 by S.I. 1999/118, art. 2 and in force for certain purposes at 1.4.1999 by S.I. 1999/782, art. 2 and for certain purposes at 1.7.1999 by S.I. 1999/1290, art. 4

Chapter	Short title	Extent of repeal
1967 c. 13.	The Parliamentary Commissioner Act 1967.	In Schedule 2, the entries relating to the Arts Council of Wales (Cyngor Celfyddydau Cymru), Bwrdd yr Iaith Gymraeg (Welsh Language Board), the Countryside Council for Wales, the Office of Her Majesty's Chief Inspector of Schools in Wales, the Sports Council for

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		Wales and the Wales Tourist Board.
1974 c. 7.	The Local Government Act 1974.	In section 33(5), the words “by any of the Commissioners mentioned in this section, or by any of their officers,”.
1989 c. 26.	The Finance Act 1989.	In section 182(4)(a)(i), the word “or”.
1990 c. 43.	The Environmental Protection Act 1990.	In Schedule 6, paragraph 23(a).
1993 c. 38.	The Welsh Language Act 1993.	In Schedule 1, paragraph 5.
1993 c. 46.	The Health Service Commissioners Act 1993.	In section 2, in subsection (2) (b), the word “and” and, in subsection (5), the words “by Order in Council”.
		In section 18(3), the words “by a Commissioner or his officers”.
		In Schedule 1, in paragraphs 3(2)(a) and 3A(2)(a), the words “or for Wales” and paragraph 11(2).
1995 c. 17.	The Health Authorities Act 1995.	In Schedule 1, in paragraph 126(2)(b), the words “in paragraph (b), after “Wales,” insert “ and ””.
S.I. 1995/1615.	The Parliamentary Commissioner Order 1995.	In article 2, the words “ “Arts Council of Wales (Cyngor Celfyddydau Cymru)”,”.
1996 c. 57.	The School Inspections Act 1996.	In Schedule 6, in paragraph 1, the entry relating to the Office of Her Majesty’s Chief Inspector of Schools in Wales.

## PART II

### WELSH PUBLIC RECORDS

#### Commencement Information

**I30** Sch. 18 Pt. II partly in force; Sch. 18 Pt. II in force for certain purposes at 1.4.1999 by S.I. 1999/782, art. 2

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Chapter	Short title	Extent of repeal
6 & 7 Eliz.2 c. 51.	The Public Records Act 1958.	<p>In the First Schedule, in the Table at the end of paragraph 3—</p> <p>in Part I, the entry relating to the Welsh Board of Health, and</p> <p>in Part II, the entries relating to the Countryside Council for Wales, the Curriculum and Assessment Authority for Wales, the Further Education Funding Council for Wales, the General Teaching Council for Wales, the Higher Education Funding Council for Wales and the Qualifications, Curriculum and Assessment Authority for Wales and, in the entry relating to any body established for the purpose of determining the boundaries of local authorities in England or Wales, the words “or Wales”.</p>

### PART III

#### WELSH DEVELOPMENT AGENCY

Chapter	Short title	Extent of repeal
1975 c. 70.	The Welsh Development Agency Act 1975.	<p>In section 16(3)(b), the words “compulsorily or by agreement”.</p> <p>Sections 22 and 23.</p> <p>Section 24(1) to (5).</p> <p>Section 26.</p> <p>In section 27(1), the definitions of “industry” and “industrial”.</p> <p>In Schedule 1—</p> <p>in paragraph 8, the words “with the consent” onwards, in paragraph 9, the words “with the approval of</p>

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		the Minister for the Civil Service”,
		in paragraph 10, the words “with the approval of the said Minister”,
		in paragraph 11, the words “, with the approval of the said Minister,” and the words “with the approval of the said Minister”, and
		in paragraph 12(1), the words “with the consent of the Minister for the Civil Service” and the words “with the approval of the said Minister”.
1981 c. 67.	The Acquisition of Land Act 1981.	In Schedule 4, in paragraph 1, in the Table, the entry relating to the Welsh Development Agency Act 1975.
1982 c. 42.	The Derelict Land Act 1982.	Section 1(12). Section 2(3) and (4).
1990 c. 11.	The Planning (Consequential Provisions) Act 1990.	In Schedule 2, paragraph 34(2).

#### PART IV

##### DEVELOPMENT BOARD FOR RURAL WALES

Chapter	Short title	Extent of repeal
2 & 3 Eliz.2 c. 56.	The Landlord and Tenant Act 1954.	Section 59(1B). Section 60B.
1964 c. 26.	The Licensing Act 1964.	Section 115(3). In Schedule 10, paragraph 1(1A).
1967 c. 13.	The Parliamentary Commissioner Act 1967.	In Schedule 2, the entry relating to the Development Board for Rural Wales.
1967 c. 88.	The Leasehold Reform Act 1967.	Section 28(5)(bb). In section 29, subsection (6A) and, in subsection (7), the

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		words “the Development Board for Rural Wales”.
		In section 30(7), the words “to the Development Board for Rural Wales”.
		In Schedule 4, in Part II, paragraph 6.
		In Schedule 4A, paragraph 2(2)(e).
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	In section 13(2), the words “or section 4(1) of the Development of Rural Wales Act 1976”.
1969 c. 32.	The Finance Act 1969.	In section 58(4), in the Table, the entry relating to the Development Board for Rural Wales.
1973 c. 26.	The Land Compensation Act 1973.	Section 39(4)(f) and (8)(d).
1973 c. 50.	The Employment and Training Act 1973.	In section 4, in subsection (3) (e)(ii), the words “the Development Board for Rural Wales” and subsection (5)(f).
1974 c. 7.	The Local Government Act 1974.	Section 25(1)(bc).
		In section 26, subsection (7) (b) and, in subsection (13), “(bc)”.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the Development Board for Rural Wales.
1975 c. 70.	The Welsh Development Agency Act 1975.	In section 2, subsection (1A) and, in subsection (2), the words “(other than the chairman of the Development Board for Rural Wales)”.
		Section 5(1A).
		Section 11(2)(a).
1976 c. 75.	The Development of Rural Wales Act 1976.	Sections 1 to 22.
		Section 23(3) and (4).
		Sections 24 and 25.

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		In section 26(1), the words “(other than the Board)”.
		Sections 27 to 34.
		In section 35, subsection (2) and, in subsection (3), the words “With the exception of paragraph 8 of Schedule 1,”. Schedules 1 to 7.
1977 c. 42.	The Rent Act 1977.	Section 14(f).
1977 c. 43.	The Protection from Eviction Act 1977.	Section 3A(8)(f).
1977 c. 49.	The National Health Service Act 1977.	Section 28A(2)(e)(vi) and the word “and” preceding it. Section 28B(1)(b)(vi) and the word “and” preceding it.
1980 c. 48.	The Finance Act 1980.	Section 97(3)(e).
1980 c. 63.	The Overseas Development and Co-operation Act 1980.	In Schedule 1, in Part III, the entry relating to the Development Board for Rural Wales.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	Section 131(5). In Schedule 19, paragraph 1(f).
1980 c. 66.	The Highways Act 1980.	In Schedule 24, paragraph 28.
1981 c. 6.	The Industry Act 1981.	In section 2(4), the words “Section 12(3) of the Development of Rural Wales Act 1976 and”. In section 7(5), the words “or the Development Board for Rural Wales”.
1981 c. 35.	The Finance Act 1981.	Section 107(3)(i).
1981 c. 64.	The New Towns Act 1981.	Section 1(2). Section 2(5). In section 3(1), the words “, subject to section 3(2) of the Development of Rural Wales Act 1976”.
		In Schedule 12, paragraphs 20 to 22.
1981 c. 67.	The Acquisition of Land Act 1981.	Section 28(c).



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		In Schedule 4, in paragraph 1, in the Table, the entry relating to the Development of Rural Wales Act 1976, in paragraph 16(3), the words “, and for the paragraph 6(2) inserted by the Development of Rural Wales Act 1976,” and paragraph 27.
1982 c. 30.	The Local Government (Miscellaneous Provisions) Act 1982.	In Schedule 4, paragraph 2(5)(e) and the word “and” preceding it.
1983 c. 28.	The Finance Act 1983.	In section 45(3), paragraph (b) and the word “or” preceding it.
1983 c. 29.	The Miscellaneous Financial Provisions Act 1983.	In Schedule 2, the entry relating to the Development of Rural Wales Act 1976.
1984 c. 12.	The Telecommunications Act 1984.	In Schedule 4, paragraphs 3(1)(e) and 67.
1985 c. 5.	The New Towns and Urban Development Corporations Act 1985.	Section 11.
1985 c. 68.	The Housing Act 1985.	In Schedule 2, paragraph 1. In section 27B(3), the words “or the Development Board for Rural Wales”. In section 45(2), the words “the Development Board for Rural Wales,”. In section 50(2), the words “or the Development Board for Rural Wales”. In section 80(1), the words “the Development Board for Rural Wales,”. In section 114(1) and (2), the words “or the Development Board for Rural Wales,”. In section 157(1), the words “, the Development Board for Rural Wales”. In section 171(2), the words “the Development Board for Rural Wales,”.

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		In section 421(1), the words “and the Development Board for Rural Wales”.
		Section 426.
		In section 427(1), the words “or the Development Board for Rural Wales”.
		In section 427A, the words “or the Development Board for Rural Wales”.
		In section 447(1), the words “the Development Board for Rural Wales,”.
		In section 548(1), in the Table, paragraph 3.
		In section 573(1), the words “the Development Board for Rural Wales,”.
		In Schedule 1, in paragraph 2(1), the words “the Development Board for Rural Wales,”.
		In Schedule 2, in Part I, in Ground 7, and in Part III, in Ground 12, the words “the Development Board for Rural Wales,”.
		In Schedule 3, in Ground 5, the words “the Development Board for Rural Wales,”.
		In Schedule 5, in paragraph 5(1)(b), the words “the Development Board for Rural Wales,”.
1985 c. 69.	The Housing Associations Act 1985.	In section 85(4), the words “the Development Board for Rural Wales,”.
1985 c. 70.	The Landlord and Tenant Act 1985.	In section 26(1), the words “or the Development Board for Rural Wales,”.
		In the Schedule, in paragraph 9(1), the words “or the Development Board for Rural Wales,”.
1986 c. 31.	The Airports Act 1986.	In Schedule 2, in paragraph 1(1), the entry relating to the

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		Development of Rural Wales Act 1976.
1987 c. 26.	The Housing (Scotland) Act 1987.	Section 61(11)(h).
1987 c. 31.	The Landlord and Tenant Act 1987.	Section 58(1)(d).
1987 c. xxviii.	The British Waterways Act 1987.	In section 44(6)(b), the words “, section 34 of the Development of Rural Wales Act 1976”.
1988 c. 1.	The Income and Corporation Taxes Act 1988.	Section 376(4)(n).
1988 c. 50.	The Housing Act 1988.	Section 38(5)(c). In Schedule 1, in Part I, paragraph 12(1)(c). In Schedule 17, in Part II, paragraph 97.
1989 c. 15.	The Water Act 1989.	In Schedule 25, paragraphs 1(2)(xxii) and (10)(vi) and 54.
1989 c. 29.	The Electricity Act 1989.	In Schedule 16, paragraphs 1(1)(i) and 3(1)(f).
1989 c. 38.	The Employment Act 1989.	In Schedule 6, paragraph 17.
1989 c. 42.	The Local Government and Housing Act 1989.	Section 90(2)(e) and the word “or” preceding it. In section 172(8), in the definition of “new town corporation”, the words “, the Development Board for Rural Wales”.
		In Schedule 11, paragraph 82.
1990 c. 11.	The Planning (Consequential Provisions) Act 1990.	In Schedule 2, paragraph 37.
1991 c. 1.	The Development Board for Rural Wales Act 1991.	The whole Act.
1991 c. 22.	The New Roads and Street Works Act 1991.	In Schedule 8,  in Part IV, paragraph 107.
1991 c. 56.	The Water Industry Act 1991.	In section 41(2)(d)(ii), the words “the Development Board for Rural Wales or” and the words from “,

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		according to” to “being responsible”.
		In section 97(5),
		in the definition of “relevant area”, paragraph (d).
		In section 98(2)(d)(ii), the words “the Development Board for Rural Wales or” and the words from “, according to” to “being responsible”.
1992 c. 5.	The Social Security Administration Act 1992.	In section 140D(1)(c), the words “or the Development Board for Rural Wales”.
1994 c. 19.	The Local Government (Wales) Act 1994.	In Schedule 16, paragraph 53.
1994 c. 21.	The Coal Industry Act 1994.	In Schedule 9, paragraph 19.
1995 c. 25.	The Environment Act 1995.	In Schedule 10, paragraph 16.
1995 c. 45.	The Gas Act 1995.	In Schedule 4, paragraph 2(1)(xxv) and (10)(f).
1996 c. 18.	The Employment Rights Act 1996.	In Schedule 1, paragraph 11.
1996 c. 53.	The Housing Grants, Construction and Regeneration Act 1996.	Section 3(2)(e).
		Section 64(7)(c).
S.I. 1996/2325.	The Housing Act 1996 (Consequential Provisions) Order 1996.	In Schedule 2, paragraph 4.

## PART V

### LAND AUTHORITY FOR WALES

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
8 & 9 Eliz.2 c. 67.	The Public Bodies (Admission to Meetings) Act 1960.	In the Schedule, paragraph 1(bb).
9 & 10 Eliz.2 c. 33.	The Land Compensation Act 1961.	Section 23(3)(aa).
1974 c. 7.	The Local Government Act 1974.	Section 25(1)(aa).
		Section 30(2A).

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1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1,  in Part II, the entry relating to the Land Authority for Wales.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	Sections 102 to 104.  Sections 106 to 111. In Schedule 17, in Part III, paragraph 4 and, in Part IV, paragraph 9. Schedules 18 to 22.
1981 c. 67.	The Acquisition of Land Act 1981.	In section 17(3), the words “the Land Authority for Wales,”. Section 31(1)(b). In Schedule 3, in paragraph 4(3), the words “the Land Authority for Wales,”. In Schedule 4, paragraph 30(2), (3), (10) and (11).
1983 c. 29.	The Miscellaneous Financial Provisions Act 1983.	In Schedule 2, the entry relating to Schedule 21 to the Local Government, Planning and Land Act 1980.
1989 c. 15.	The Water Act 1989.	In Schedule 25, paragraph 61(3) and (7).
1990 c. 11.	The Planning (Consequential Provisions) Act 1990.	In Schedule 2, paragraph 44(3), (4), (9) and (10).
1993 c. 28.	The Leasehold Reform, Housing and Urban Development Act 1993.	Section 181(2) and (4).
1994 c. 19.	The Local Government (Wales) Act 1994.	In Schedule 16, paragraphs 58 and 59(6) to (8).
1994 c. 21.	The Coal Industry Act 1994.	In Schedule 9, in paragraph 25(1), “108(1),”.
1995 c. 25.	The Environment Act 1995.	In Schedule 10, paragraph 20.

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## PART VI

### HOUSING FOR WALES

Chapter	Short title	Extent of repeal
1967 c. 13.	The Parliamentary Commissioner Act 1967.	In Schedule 2, the entry relating to Housing for Wales.
1973 c. 26.	The Land Compensation Act 1973.	In section 32(7B)(b), the words “or Housing for Wales”.
1974 c. 39.	The Consumer Credit Act 1974.	In section 16(6B)(a), the words “, Housing for Wales”.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1,  in Part II, the entry relating to Housing for Wales.
1975 c. 55.	The Statutory Corporations (Financial Provisions) Act 1975.	In Schedule 2, the entry relating to Housing for Wales.
1976 c. 80.	The Rent (Agriculture) Act 1976.	Section 5(3)(da).
1977 c. 42.	The Rent Act 1977.	In section 15(2), the words “(aa) Housing for Wales”.  In section 86(2), the words “or Housing for Wales”.  In section 93(1), the words “or Housing for Wales”.
1977 c. 43.	The Protection from Eviction Act 1977.	In section 3A(8)(g), the words “or Housing for Wales”.
1977 c. 45.	The Criminal Law Act 1977.	In section 12A(7), the words “(c) Housing for Wales;”.
1977 c. 49.	The National Health Service Act 1977.	Section 28A(2)(e)(vii) and the word “and” preceding it.  In section 28B(1)(b), the words “(v) Housing for Wales;”.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In Schedule 16, paragraph 9A.
1981 c. 35.	The Finance Act 1981.	Section 107(3)(ca).
1985 c. 68.	The Housing Act 1985.	In section 57, the entry relating to “the Corporation”.

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1985 c. 69.	The Housing Associations Act 1985.	<p>In section 92(2A)(a), the words “Housing for Wales,”.</p> <p>In section 117, the entry relating to “the Corporation”.</p> <p>In section 188, the entry relating to “the Corporation”.</p> <p>Section 429A(2A)(b).</p> <p>In section 459, the entry relating to “the Corporation”.</p> <p>In section 577, the entry relating to “the Corporation”.</p> <p>In section 9(6), the words “or Housing for Wales”.</p> <p>In section 35(2)(b), the words “of Corporation”.</p> <p>In section 80,</p> <p>in subsection (1), the words “, with the written consent of the Secretary of State,” and,</p> <p>in subsection (3), the words “given with the like consent”.</p> <p>In section 84(1), the words “, with the approval of the Secretary of State,”.</p> <p>In section 93(2A), the words “in the case of the Housing Corporation,” and paragraph (b) and the word “and” preceding it.</p> <p>In Schedule 1,</p> <p>in paragraph 1, the words “by Corporation”.</p> <p>In Schedule 5,</p> <p>in Part I,</p> <p>in paragraph 6(2)(b), the words “or Housing for Wales”.</p> <p>In Schedule 7,</p> <p>in paragraph 2,</p> <p>in sub-paragraph (1), the words “, with the consent in</p>
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		writing of the Secretary of State,” and,
		in sub-paragraph (2), the words “given with the like consent”.
1987 c. 31.	The Landlord and Tenant Act 1987.	Section 58(1)(ea).
1988 c. 1.	The Income and Corporation Taxes Act 1988.	In section 488(7A), paragraph (b) and the word “and” preceding it. In section 489(5A), paragraph (b) and the word “and” preceding it. In section 560(2)(e), the words “Housing for Wales”.
1988 c. 50.	The Housing Act 1988.	Section 46. Section 47. In section 59(2)(b), the words “the establishment by this Part of this Act of Housing for Wales and”. Section 92(2). In section 133(6), the words “or Housing for Wales”. In section 140(1), the words “and in that Schedule” onwards. Schedule 5. In Schedule 6, in Part I, paragraph 2 and, in Part II, paragraph 30(1)(b) and the word “and” preceding it and paragraph 31(1). In Schedule 17, in Part II, paragraphs 92, 94 to 106 and 108 to 116.
1989 c. 42.	The Local Government and Housing Act 1989.	In section 172(2)(b), the words “or Housing for Wales”. In section 173(6), the words “or Housing for Wales”. In Schedule 11, paragraph 110.



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1996 c. 18.	The Employment Rights Act 1996.	In Schedule 1, paragraph 41.
1996 c. 52.	The Housing Act 1996.	In section 1, in subsection (1), the words “at the head office of the Corporation” and subsection (2). In section 9(1), the words “, given by order under the seal of the Corporation,”. In section 46(1) and (6), the words “under its seal”. In section 64, the entry relating to “the Corporation”. In Schedule 1, in paragraphs 9(3) and 11(3), the words “given by order under the seal of the Corporation” and, in paragraph 27(1), the words “, with the consent of the Secretary of State,”.

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## PART VII

### RESIDUARY BODY FOR WALES

Chapter	Short title	Extent of repeal
1994 c. 19.	The Local Government (Wales) Act 1994.	In Schedule 13, in paragraph 18, in sub-paragraph (3), the words “Subject to sub-paragraph (4),” and sub-paragraph (4).

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