

**Changes to legislation:** Government of Wales Act 1998, SCHEDULE 12 is up to date with all changes known to be in force on or before 01 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) View outstanding changes

## SCHEDULES

### SCHEDULE 12

Section 125.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

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

F1 1 .....

#### Textual Amendments

- F1** Sch. 12 para. 1 omitted (1.4.2012) by virtue of Budget Responsibility and National Audit Act 2011 (c. 4), s. 29, Sch. 5 para. 19; S.I. 2011/2576, art. 5

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

2 F2 .....

#### Textual Amendments

- F2** Sch. 12 para. 2 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election"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 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

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- (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.”
- 7 F3 .....

**Textual Amendments**

**F3** 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) F4 .....
    - (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) F4 .....
  - (4) F4 .....

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**Textual Amendments**

**F4** 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—

“ *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 **F5** .....

**Textual Amendments**

**F5** 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 **F6** .....

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#### Textual Amendments

**F6** 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 <sup>F7</sup> .....

#### Textual Amendments

**F7** 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 <sup>F8</sup> .....

#### Textual Amendments

**F8** 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) <sup>F9</sup> .....
    - (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

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- (b) omit “by any of the Commissioners mentioned in this section, or by any of their officers.”.

**Textual Amendments**

- F9** 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 **F10** .....

**Textual Amendments**

- F10** 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  
“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, ”.

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F11 23 .....

**Textual Amendments**  
F11 Sch. 12 para. 23 omitted (28.4.2013) by virtue of [Mental Health \(Discrimination\) Act 2013 \(c. 8\)](#), s. 4(1), [Sch. para. 3](#)

*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, ”.

*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 F12 .....

**Textual Amendments**  
F12 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 F13 .....

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**Textual Amendments**

**F13** 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, ”.

*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>F14</sup> .....

**Textual Amendments**

**F14** 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)*

- <sup>F15</sup>34 .....

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### Textual Amendments

- F15** Sch. 12 para. 34 repealed (31.12.2020) by [The European Union \(Withdrawal\) Act 2018 \(Consequential Modifications and Repeals and Revocations\)](#) (EU Exit) Regulations 2019 (S.I. 2019/628), reg. 1(3), [Sch. Pt. 1](#); 2020 c. 1, Sch. 5 para. 1(1)

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

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

- s. 104(1A) inserted by [2022 asc 1 s. 68\(6\)\(a\)](#)
- Sch. 1 para. 5A5B by [2000 c. 41 Sch. 3 para. 10\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 paras. 8-16 repealed without ever being in force by Government of Wales Act 2006 (c. 32), s. 163, {Sch. 12} (with Sch. 11 para. 22), 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.)
- Sch. 17 para. 11A inserted by [2022 asc 1 Sch. 4 para. 12\(4\)\(b\)](#)