



Government of Wales Act 2006

2006 CHAPTER 32

PART 4

ACTS OF THE [F1SENEDD]

Power

107 Acts of the [F1Senedd]

- (1) The [F1Senedd] may make laws, to be known as Acts of [F2Senedd Cymru or Deddfau Senedd Cymru (referred to in this Act as “Acts of the Senedd”)].
 - (2) Proposed Acts of the [F1Senedd] are to be known as Bills; and a Bill becomes an Act of the [F1Senedd] when it has been passed by the [F1Senedd] and has received Royal Assent.
 - (3) The validity of an Act of the [F1Senedd] is not affected by any invalidity in the [F1Senedd] proceedings leading to its enactment.
 - (4) Every Act of the [F1Senedd] is to be judicially noticed.
 - (5) This Part does not affect the power of the Parliament of the United Kingdom to make laws for Wales.
- [F3(6) But it is recognised that the Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the [F1Senedd].]

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F2** Words in s. 107(1) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 3, 42\(2\)](#)
- F3** S. 107(6) inserted (31.3.2017) by [Wales Act 2017 \(c. 4\)](#), [ss. 2, 71\(2\)\(a\)](#) (with [Sch. 7 paras. 1, 6](#))

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Commencement Information

II S. 107 in force at 5.5.2011 by [S.I. 2011/1011](#), [art. 3](#)

^{F4}108 Legislative competence

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Textual Amendments

F4 S. 108A substituted for s.108 (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 3\(1\)](#), [71\(3\)](#) (with [Sch. 7 paras. 1, 2, 6](#)); [S.I. 2017/1179](#), [reg. 2](#)

[^{F4}108A Legislative competence

- (1) An Act of the [^{F1}Senedd] is not law so far as any provision of the Act is outside the [^{F1}Senedd's] legislative competence.
- (2) A provision is outside that competence so far as any of the following paragraphs apply—
 - (a) it extends otherwise than only to England and Wales;
 - (b) it applies otherwise than in relation to Wales or confers, imposes, modifies or removes (or gives power to confer, impose, modify or remove) functions exercisable otherwise than in relation to Wales;
 - (c) it relates to reserved matters (see Schedule 7A);
 - (d) it breaches any of the restrictions in Part 1 of Schedule 7B, having regard to any exception in Part 2 of that Schedule from those restrictions;
 - (e) it is incompatible with the Convention rights ^{F5}....
- (3) But subsection (2)(b) does not apply to a provision that—
 - (a) is ancillary to a provision of any Act of the [^{F1}Senedd] or Assembly Measure or to a devolved provision of an Act of Parliament, and
 - (b) has no greater effect otherwise than in relation to Wales, or in relation to functions exercisable otherwise than in relation to Wales, than is necessary to give effect to the purpose of that provision.
- (4) For this purpose, a provision of an Act of Parliament is ““devolved”” if it would be within the [^{F1}Senedd's] legislative competence if it were contained in an Act of the [^{F1}Senedd] (ignoring any requirement for consent or consultation imposed under paragraph 8, 10 or 11 of Schedule 7B or otherwise).

[References in subsections (2)(b) and (3) to Wales include, in relation to a relevant ^{F6}(4A) provision of an Act of the Senedd, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A provision of an Act of the Senedd is “relevant” if it relates to fishing, fisheries or fish health.]

- (5) In determining what is necessary for the purposes of subsection (3), any power to make laws other than that of the [^{F1}Senedd] is disregarded.

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- (6) The question whether a provision of an Act of the [F1Senedd] relates to a reserved matter is determined by reference to the purpose of the provision, having regard (among other things) to its effect in all the circumstances.
- (7) For the purposes of this Act a provision is ancillary to another provision if it—
- (a) provides for the enforcement of the other provision or is otherwise appropriate for making that provision effective, or
 - (b) is otherwise incidental to, or consequential on, that provision.]

Textual Amendments

- F4** S. 108A substituted for s.108 (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 3\(1\), 71\(3\)](#) (with [Sch. 7 paras. 1, 2, 6](#)); [S.I. 2017/1179, reg. 2](#)
- F5** Words in [s. 108A\(2\)\(e\)](#) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. [1\(1\), 4\(4\)](#)
- F6** S. 108A(4A) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\), ss. 45\(2\), 54\(2\)](#) (with [Sch. 4 para. 31](#))

Modifications etc. (not altering text)

- C1** S. 108A modified by [2000 c. 22, s. 7\(9\)](#) (as amended) (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 57](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(r\)](#)
- C2** S. 108A(2)(e) restricted (1.3.2019) by [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\), Sch. 8 para. 41\(4\)\(9\)](#) (with [s. 19, Sch. 8 para. 37](#)); [S.I. 2019/399, reg. 2](#)

109 Legislative competence: supplementary

- (1) Her Majesty may by Order in Council amend [F7Schedule 7A or 7B].
- (2) An Order in Council under this section may make such modifications of—
- (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or
 - (b) any other instrument or document,
- as Her Majesty considers appropriate in connection with the provision made by the Order in Council.
- (3) An Order in Council under this section may make provision having retrospective effect.
- (4) No recommendation is to be made to Her Majesty in Council to make an Order in Council under this section unless a draft of the statutory instrument containing the Order in Council [F8 has been laid before, and approved by a resolution of, each House of Parliament and the [F1Senedd] .]
- [F9(5) Any alteration of Schedule 7A or 7B, whether by virtue of the making, revocation or expiry of an Order in Council under this section or otherwise, does not (unless an enactment provides otherwise) affect—
- (a) the validity of an Act of the [F1Senedd] passed before the alteration takes effect, or
 - (b) the previous or continuing operation of such an Act of the [F1Senedd] .]

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Textual Amendments

- F7** Words in s. 109(1) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\)](#), **Sch. 6 para. 3(2)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(q\)](#)
- F8** Words in s. 109(4) substituted for s. 109(4)(a)(b) (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\)](#), **Sch. 6 para. 3(3)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(q\)](#)
- F9** S. 109(5) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\)](#), **Sch. 6 para. 3(4)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(q\)](#)

^{F10}109A Legislative competence: restriction relating to retained EU law

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Textual Amendments

- F10** [S. 109A](#) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **4(5)**

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

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

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