



Government of Wales Act 2006

2006 CHAPTER 32

PART 4

ACTS OF THE ASSEMBLY

Power

107 Acts of the Assembly

- (1) The Assembly may make laws, to be known as Acts of the National Assembly for Wales or *Deddfau Cynulliad Cenedlaethol Cymru* (referred to in this Act as “Acts of the Assembly”).
- (2) Proposed Acts of the Assembly are to be known as Bills; and a Bill becomes an Act of the Assembly when it has been passed by the Assembly and has received Royal Assent.
- (3) The validity of an Act of the Assembly is not affected by any invalidity in the Assembly proceedings leading to its enactment.
- (4) Every Act of the Assembly 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.

108 Legislative competence

- (1) Subject to the provisions of this Part, an Act of the Assembly may make any provision that could be made by an Act of Parliament.
- (2) An Act of the Assembly is not law so far as any provision of the Act is outside the Assembly’s legislative competence.
- (3) A provision of an Act of the Assembly is within the Assembly’s legislative competence only if it falls within subsection (4) or (5).

- (4) A provision of an Act of the Assembly falls within this subsection if—
- (a) it relates to one or more of the subjects listed under any of the headings in Part 1 of Schedule 7 and does not fall within any of the exceptions specified in that Part of that Schedule (whether or not under that heading or any of those headings), and
 - (b) it neither applies otherwise than in relation to Wales nor confers, imposes, modifies or removes (or gives power to confer, impose, modify or remove) functions exercisable otherwise than in relation to Wales.
- (5) A provision of an Act of the Assembly falls within this subsection if—
- (a) it provides for the enforcement of a provision (of that or any other Act of the Assembly) which falls within subsection (4) or a provision of an Assembly Measure or it is otherwise appropriate for making such a provision effective, or
 - (b) it is otherwise incidental to, or consequential on, such a provision.
- (6) But a provision which falls within subsection (4) or (5) is outside the Assembly's legislative competence if—
- (a) it breaches any of the restrictions in Part 2 of Schedule 7, having regard to any exception in Part 3 of that Schedule from those restrictions,
 - (b) it extends otherwise than only to England and Wales, or
 - (c) it is incompatible with the Convention rights or with Community law.
- (7) For the purposes of this section the question whether a provision of an Act of the Assembly relates to one or more of the subjects listed in Part 1 of Schedule 7 (or falls within any of the exceptions specified in that Part of that Schedule) is to be determined by reference to the purpose of the provision, having regard (among other things) to its effect in all the circumstances.

109 Legislative competence: supplementary

- (1) Her Majesty may by Order in Council amend Schedule 7.
- (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—
- (a) has been laid before, and approved by a resolution of, each House of Parliament, and
 - (b) except where the Order in Council is the first of which a draft has been laid under paragraph (a), has been laid before, and approved by a resolution of, the Assembly.

- (5) The amendment of Schedule 7 by an Order in Council under this section does not affect—
- (a) the validity of an Act of the Assembly passed before the amendment comes into force, or
 - (b) the previous or continuing operation of such an Act of the Assembly.