

## SCHEDULES

### SCHEDULE 10

Section 160

#### MINOR AND CONSEQUENTIAL AMENDMENTS

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

- 1 The Statutory Instruments Act 1946 is amended as follows.
- 2 In section 1 (definition of “statutory instrument”), for subsection (1A) substitute—

“(1A) Where by any Act power to make, confirm or approve orders, rules, regulations or other subordinate legislation is conferred on the Welsh Ministers and the power is expressed to be exercisable by statutory instrument, any document by which that power is exercised shall be known as a “statutory instrument” and the provisions of this Act shall apply to it accordingly.”
- 3 After section 11 insert—

##### **“11A Application in relation to Wales**

- (1) References in this Act to any Act include references to any Measure or Act of the National Assembly for Wales.
- (2) Sections 4 to 7 and 8(1)(b) apply as if the references in them to—
  - (a) Parliament,
  - (b) either or each House of Parliament, or
  - (c) both Houses of Parliament,include references to the National Assembly for Wales.
- (3) In the application of subsection (1) of section 4 by virtue of subsection (2), the reference to the Speaker of the House of Commons and the Speaker of the House of Lords is to the Presiding Officer of the National Assembly for Wales.
- (4) Where—
  - (a) by any Act it is provided that any statutory instrument shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales, and
  - (b) a copy of the instrument is not laid before that Assembly at least 21 days before the instrument comes into operation,notification shall be sent to the Presiding Officer of that Assembly when a copy of the instrument is laid before that Assembly drawing attention to the fact that a copy of it has not been laid before that Assembly at least 21 days before it comes into operation and explaining why.
- (5) In the application of section 5 by virtue of subsection (2)—

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- (a) the reference in subsection (1) of that section to a resolution that an Address be presented praying that the instrument be annulled is to a resolution that the instrument be annulled,
  - (b) in a case where the instrument was made by the Welsh Ministers alone, the power in that subsection of Her Majesty to revoke the instrument by Order in Council is a power of the Welsh Ministers to revoke it by order made by statutory instrument which is to be laid before the National Assembly for Wales after being made, and
  - (c) the reference in subsection (2) of that section to an Act containing provisions of the kind mentioned in that subsection is to an Act which contains a power in relation to which such provisions apply by virtue of the Government of Wales Act 2006.
- (6) In the application of section 6 by virtue of subsection (2) the reference in subsection (2) of that section to an Act which contains provisions of the kind mentioned in that subsection is to an Act which contains a power in relation to which such provisions apply by virtue of the Government of Wales Act 2006.
- (7) In the application of section 7 by virtue of subsection (2) the reference in subsection (1) of that section to any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days is to any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (8) References in this Act to the Welsh Ministers, other than the second reference in subsection (5)(b), include the First Minister for Wales and the Counsel General to the Welsh Assembly Government.”

*Laying of Documents before Parliament (Interpretation) Act 1948 (c. 59)*

- 4 In section 1 of the Laying of Documents before Parliament (Interpretation) Act 1948 (meaning of references to laying before Parliament), after subsection (1) insert—

“(1A) A reference in any enactment to laying any document before the National Assembly for Wales is (unless the contrary intention appears) to be construed as a reference to the taking, during any time when that Assembly is not dissolved, of such action as is specified in the standing orders of that Assembly as constituting the laying of a document before that Assembly, even if the action so specified consists (wholly or partly) of action capable of being taken when that Assembly is in recess.”

*Defamation Act 1952 (c. 66)*

- 5 In section 10 of the Defamation Act 1952 (limitation on privilege at elections), after “local government authority” insert “, to the National Assembly for Wales,”.

*Defamation Act (Northern Ireland) 1955 (c. 11 (N.I.))*

- 6 In section 10(1) of the Defamation Act (Northern Ireland) 1955 (limitation on privilege at elections), after “Scottish Parliament” insert “or to the National Assembly for Wales”.

*Public Records Act 1958 (c. 51)*

- 7 In the First Schedule to the Public Records Act 1958 (definition of “public records”), in the following provisions, for “the Government of Wales Act 1998” substitute “the Government of Wales Act 2006”—
- (a) paragraph 2(2)(e),
  - (b) paragraph 5,
  - (c) paragraph 6, and
  - (d) paragraph 7(1).

*Parliamentary Commissioner Act 1967 (c. 13)*

- 8 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), in the Note relating to the Environment Agency and the Note relating to the Forestry Commission, for “the Government of Wales Act 1998” substitute “the Government of Wales Act 2006”.

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

- 9 In Part 2 of Schedule 2 to the Pensions (Increase) Act 1971 (official pensions), in paragraph 38B, for “section 18(2)(b) of the Government of Wales Act 1998” substitute “section 20(4)(b) or section 53(4)(b) of the Government of Wales Act 2006”.

*Local Government Act 1974 (c. 7)*

- 10 In section 27(1) of the Local Government Act 1974 (provisions relating to complaints)—
- (a) in paragraph (a), after “including” insert “the Welsh Ministers, the National Assembly for Wales Commission or the”, and
  - (b) in paragraph (b), for “National Assembly for Wales” (in both places) substitute “Welsh Ministers”.

*Interpretation Act 1978 (c. 30)*

- 11 In the Interpretation Act 1978, after section 23A insert—

**“23B Measures and Acts of the National Assembly for Wales etc.**

- (1) Subject as follows, the provisions of this Act—
  - (a) apply to a Measure or Act of the National Assembly for Wales as they apply to an Act, and
  - (b) apply to an instrument made under a Measure or Act of the National Assembly for Wales as they apply to other subordinate legislation.
- (2) Sections 1 to 3 do not apply to a Measure or Act of the National Assembly for Wales.
- (3) In this Act references to an enactment include an enactment comprised in, or in an instrument made under, a Measure or Act of the National Assembly for Wales.

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- (4) In the application of this Act to a Measure or Act of the National Assembly for Wales, references to the passing of an Act or an enactment are to be read as references to the enactment of the Measure or Act.
- (5) Section 4(b) does not apply to a Measure of the National Assembly for Wales; but where such a Measure makes no provision for the coming into force of a provision contained in it, that provision comes into force at the beginning of the day on which the Measure is approved by Her Majesty in Council.”

*Local Government, Planning and Land Act 1980 (c. 65)*

- 12 In paragraph 5 of Schedule 31 to the Local Government, Planning and Land Act 1980 (financial provisions relating to urban development corporations: guarantees), for sub-paragraph (3) substitute—
  - “(3) Any sums required for fulfilling a guarantee under this paragraph shall be charged on and issued out of—
    - (a) the Consolidated Fund, if required by the Treasury, or
    - (b) the Welsh Consolidated Fund, if required by the Welsh Ministers.”

*Mental Health Act 1983 (c. 20)*

- 13 In section 141(9)(b) of the Mental Health Act 1983 (application to the National Assembly for Wales), after “National Assembly for Wales” insert “Commission”.

*National Audit Act 1983 (c. 44)*

- 14 The National Audit Act 1983 is amended as follows.
- 15 (1) Section 6 (departments, authorities and bodies subject to examinations by the Comptroller and Auditor General) is amended as follows.
  - (2) In subsection (3), for paragraph (aa) substitute—
    - “(aa) the Welsh Ministers;
    - (ab) the National Assembly for Wales Commission;”.
  - (3) After that subsection insert—
    - “(3A) Before carrying out an examination under this section in respect of the Welsh Ministers or the National Assembly for Wales Commission, 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.”
- 16 (1) Section 8 (right to obtain documents and information) is amended as follows.
  - (2) In subsection (1), after “below” insert “and except in relation to an examination under section 6 above in respect of the Welsh Ministers or the National Assembly for Wales Commission”.
  - (3) After subsection (2) insert—

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“(3) For the purpose of enabling an examination under section 6 above to be carried out in respect of the Welsh Ministers or the National Assembly for Wales Commission 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 any of the persons mentioned in subsection (4) below as may be reasonably required for that purpose, and
- (b) shall be entitled to require from any person holding or accountable for any of those documents such information and explanation as are reasonably necessary for that purpose.

(4) The persons referred to in subsection (3)(a) above are—

- (a) the Welsh Ministers,
- (b) the National Assembly for Wales Commission,
- (c) any other person audited by the Auditor General for Wales other than a Welsh NHS body (within the meaning given in section 60 of the Public Audit (Wales) Act 2004 (c. 23)), and
- (d) the Auditor General for Wales.

(5) Before acting in reliance on subsection (3) above 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.”

17 (1) Section 9 (reports to House of Commons) is amended as follows.

(2) The existing provision is re-numbered as subsection (1).

(3) After that subsection insert—

“(2) If the Comptroller and Auditor General reports the results of an examination carried out under section 6 above in respect of the Welsh Ministers or the National Assembly for Wales Commission to the House of Commons, the Comptroller and Auditor General shall at the same time lay a report of the results of the examination before the National Assembly for Wales.”

#### *Insolvency Act 1986 (c. 45)*

18 In section 427(6B)(b) of the Insolvency Act 1986 (application to the National Assembly for Wales), for “section 12(2) of the Government of Wales Act 1998” substitute “section 16(2) of the Government of Wales Act 2006”.

#### *Public Order Act 1986 (c. 64)*

19 In section 26(1) of the Public Order Act 1986 (saving for reports of parliamentary proceedings), after “Scottish Parliament” insert “or in the National Assembly for Wales”.

#### *Finance Act 1987 (c. 16)*

20 In section 55(1)(c) of the Finance Act 1987 (exemption from stamp duty for the National Assembly for Wales), for “National Assembly for Wales” substitute “Welsh

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Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government or the National Assembly for Wales Commission”.

*Local Government Finance Act 1988 (c. 41)*

- 21 In Schedule 8 to the Local Government Finance Act 1988 (non-domestic rating: pooling), after paragraph 15 insert—

*“Source of payments by Welsh Ministers*

- 16 Sums required for the making of payments by the Welsh Ministers under this Part of this Schedule are to be charged on the Welsh Consolidated Fund.”

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

- 22 The Copyright, Designs and Patents Act 1988 is amended as follows.
- 23 In section 12(9) (duration of copyright in literary, dramatic, musical or artistic works), for “166B” substitute “166D”.
- 24 In section 49 (public records), for “the Government of Wales Act 1998” substitute “the Government of Wales Act 2006”.
- 25 In section 153(2) (qualification for copyright protection), for “166B” substitute “166D”.
- 26 (1) Section 163 (Crown copyright) is amended as follows.
- (2) Omit subsection (1A).
- (3) In subsection (6), for “166B” substitute “166D”.
- 27 (1) Section 164 (copyright in Acts and Measures) is amended as follows.
- (2) In subsection (1), after “Scottish Parliament,” insert “Measure of the National Assembly for Wales, Act of the National Assembly for Wales,”.
- (3) In subsection (2), for the words after “subsists” substitute—
- “(a) in the case of an Act or a Measure of the General Synod of the Church of England, until the end of the period of 50 years from the end of the calendar year in which Royal Assent was given, and
- (b) in the case of a Measure of the National Assembly for Wales, until the end of the period of 50 years from the end of the calendar year in which the Measure was approved by Her Majesty in Council.”
- 28 After section 166B insert—

**“166C Copyright in proposed Measures of the National Assembly for Wales**

- (1) Copyright in every proposed Assembly Measure introduced into the National Assembly for Wales belongs to the National Assembly for Wales Commission.
- (2) Copyright under this section subsists from the time when the text of the proposed Assembly Measure is handed in to the Assembly for introduction—

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- (a) until the proposed Assembly Measure is approved by Her Majesty in Council, or
  - (b) if the proposed Assembly Measure is not approved by Her Majesty in Council, until it is withdrawn or rejected or no further proceedings of the Assembly may be taken in respect of it.
- (3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.
- (4) No other copyright, or right in the nature of copyright, subsists in a proposed Assembly Measure after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a proposed Assembly Measure which, not having been approved by Her Majesty in Council, is later reintroduced into the Assembly.

#### **166D Copyright in Bills of the National Assembly for Wales**

- (1) Copyright in every Bill introduced into the National Assembly for Wales belongs to the National Assembly for Wales Commission.
- (2) Copyright under this section subsists from the time when the text of the Bill is handed in to the Assembly for introduction—
  - (a) until the Bill receives Royal Assent, or
  - (b) if the Bill does not receive Royal Assent, until it is withdrawn or rejected or no further proceedings of the Assembly may be taken in respect of it.
- (3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.
- (4) No other copyright, or right in the nature of copyright, subsists in a Bill after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a Bill which, not having received Royal Assent, is later reintroduced into the Assembly.”

- 29 (1) Section 178 (minor definitions) is amended as follows.
  - (2) In the definition of “the Crown”, after “the Scottish Administration” insert “, of the Welsh Assembly Government”.
  - (3) In the definition of “parliamentary proceedings”, after “European Parliament” insert “and Assembly proceedings within the meaning of section 1(5) of the Government of Wales Act 2006”.
- 30 In section 179 (index of defined expressions), in column 2 of the entry for “Parliamentary copyright”, for “and 166B(3)” substitute “166B(3) 166C(3) and 166D(3)”.
- 31 (1) Section 263(1) (Part 3: minor definitions) is amended as follows.
  - (2) In the definition of “the Crown”, insert at the end “and the Crown in right of the Welsh Assembly Government”.

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- (3) In the definition of “government department”, insert at the end “and any part of the Welsh Assembly Government”.
- 32 In paragraph 10(1) of Schedule 2 (public records), for “the Government of Wales Act 1998” substitute “the Government of Wales Act 2006”.

*Housing Act 1988 (c. 50)*

- 33 In paragraph 5 of Schedule 8 to the Housing Act 1988 (financial provisions relating to housing action trusts: guarantees), for sub-paragraph (3) substitute—
- “(3) Any sums required for fulfilling a guarantee under this paragraph shall be charged on and issued out of—
- (a) the Consolidated Fund, if required by the Treasury, or
  - (b) the Welsh Consolidated Fund, if required by the Welsh Ministers.”

*Official Secrets Act 1989 (c. 6)*

- 34 In section 12 of the Official Secrets Act 1989 (meaning of “Crown servant” and “government contractor”)—
- (a) in subsection (1), after paragraph (aa) insert—
    - “(ab) the First Minister for Wales, a Welsh Minister appointed under section 48 of the Government of Wales Act 2006, the Counsel General to the Welsh Assembly Government or a Deputy Welsh Minister;”, and
  - (b) in subsection (2), in paragraph (a), after “(a)” insert “, (ab)” and omit paragraph (aa).

*Town and Country Planning Act 1990 (c. 8)*

- 35 In section 321B of the Town and Country Planning Act 1990 (planning inquiries relating to Wales: national security)—
- (a) in subsection (2), for “National Assembly for Wales” substitute “Welsh Assembly Government”, and
  - (b) omit subsection (5).

*Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

- 36 In paragraph 8 of Schedule 3 to the Planning (Listed Buildings and Conservation Areas) Act 1990 (local inquiries relating to Wales: national security)—
- (a) in sub-paragraph (2), for “National Assembly for Wales” substitute “Welsh Assembly Government”, and
  - (b) omit sub-paragraph (5).

*Planning (Hazardous Substances) Act 1990 (c. 10)*

- 37 In paragraph 8 of the Schedule to the Planning (Hazardous Substances) Act 1990 (local inquiries relating to Wales: national security)—
- (a) in sub-paragraph (2), for “National Assembly for Wales” substitute “Welsh Assembly Government”, and



- (b) omit sub-paragraph (5).

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

- 38 In section 16(1) of the Tribunals and Inquiries Act 1992 (interpretation), in the definition of “Minister”, for “National Assembly for Wales” substitute “Welsh Ministers”.

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

- 39 In section 41(6) of the Value Added Tax Act 1994 (meaning of “Government department”), for “National Assembly for Wales” substitute “Welsh Assembly Government”.

*Defamation Act 1996 (c. 31)*

- 40 In paragraph 11(1)(c) of Schedule 1 to the Defamation Act 1996 (qualified privilege: accurate reports of proceedings of inquiries etc.), after “Scottish Executive” insert “, the Welsh Ministers or the Counsel General to the Welsh Assembly Government”.

*Government of Wales Act 1998 (c. 38)*

- 41 The Government of Wales Act 1998 is amended as follows.
- 42 (1) Section 28 (reform of other Welsh public bodies) is amended as follows.
- (2) For “Assembly” (in each place) substitute “Welsh Ministers”.
- (3) In subsection (2), for “considers” substitute “consider”.
- (4) After subsection (7) insert—
- “(7A) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of the Assembly.”
- 43 (1) Section 104 (Her Majesty’s Chief Inspector of Education and Training in Wales) is amended as follows.
- (2) For “Assembly” (in each place) substitute “Welsh Ministers”.
- (3) In subsection (2)—
- (a) for “it”, in the first place, substitute “they”, and
- (b) for “it considers” substitute “they consider”.
- (4) In subsection (3), for “it considers” (in both places) substitute “they consider”.
- (5) In subsection (4), for “it is” substitute “they are”.
- (6) In subsection (4A)—
- (a) for “it”, in the first and third places, substitute “them”, and
- (b) for “it is” substitute “they are”.
- (7) In subsection (4B), for “it gives its” substitute “they give their”.
- (8) Omit subsection (5).
- 44 (1) Section 105 (Forestry Commissioners) is amended as follows.

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- (2) For “Assembly” (in each place) substitute “Welsh Ministers”.
- (3) In subsection (2)—
  - (a) for “it”, in the first place, substitute “they”, and
  - (b) for “considers” substitute “consider”.
- (4) In subsection (3), for “it considers” (in both places) substitute “they consider”.
- (5) In subsection (4), for “it is” substitute “they are”.
- 45 (1) Section 144 (power of Secretary of State by order to make provision about accounts etc. of bodies specified in Schedule 17) is amended as follows.
  - (2) In subsection (1), for “Secretary of State” substitute “Welsh Ministers”.
  - (3) In subsection (3)—
    - (a) for paragraph (a) substitute—
      - “(a) the Permanent Secretary to the Welsh Assembly Government to designate accounting officers and to specify their responsibilities,” and
    - (b) in paragraph (d), for “Assembly (or, before the first ordinary election, by the Secretary of State)” substitute “Welsh Ministers”.
  - (4) For subsection (4) substitute—
    - “(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.”
  - (5) After subsection (5) insert—
    - “(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) Omit subsection (6).
  - (7) In subsection (8)—
    - (a) for “Secretary of State” substitute “Welsh Ministers”, and
    - (b) in paragraph (a), after “other than” insert “the National Assembly for Wales Commission,”.
  - (8) After that subsection insert—

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“(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.”

(9) Omit subsection (8A).

(10) In subsection (9), before the word “and” at the end of paragraph (b) insert—

“(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 or not that person is known by the title of Permanent Secretary to the Welsh Assembly Government),”.

46 (1) Section 145 (examinations by Auditor General into discharge of functions by bodies and offices specified in Schedule 17) is amended as follows.

(2) In subsection (3), omit “(or, before the first ordinary election, the views of the Secretary of State)”.

(3) In subsection (7), for “section 96(3)(b)” substitute “paragraph 18(3)(b) of Schedule 8 to the Government of Wales Act 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)”.

47 In section 145A(5) (studies by Auditor General into discharge of functions by relevant bodies: meaning of “relevant body”), for paragraph (a) substitute—

“(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;”.

48 (1) Section 145C (studies by Auditor General into discharge of functions by registered social landlords) is amended as follows.

(2) In subsection (1), for “Assembly” substitute “Welsh Ministers”.

(3) In subsection (3), for “Assembly” substitute “Welsh Ministers”.

(4) In subsection (6), for “section 95(3)(a) or (b)” substitute “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)”.

(5) In subsection (8), for “Assembly” substitute “Welsh Ministers”.

49 In section 146(4) (power of Secretary of State by order to transfer etc. functions from the Comptroller and Auditor General to the Auditor General), for “22” substitute “58 of the Government of Wales Act 2006”.

50 (1) Section 146A (transfer etc. of supervisory functions from the Assembly to the Auditor General) is amended as follows.

(2) In subsection (1)—

(a) for “Assembly” substitute “Welsh Ministers”, and

(b) for “its” (in both places) substitute “their”.

(3) In subsection (3), for “Assembly” substitute “Welsh Ministers”.

(4) After subsection (5) insert—

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- “(6) No order under subsection (1) may be made unless a draft of the statutory instrument containing it has been laid before, and approved by resolution of, the Assembly.”
- (5) In the heading, for “Assembly” substitute “Welsh Ministers”.
- 51 (1) Section 147 (power of Secretary of State by order to make provision about Environment Agency’s Welsh functions) is amended as follows.
- (2) In subsection (1)(a), for “Assembly” substitute “Welsh Ministers”.
- (3) In subsection (3), for “22” substitute “58 of the Government of Wales Act 2006”.
- (4) In subsection (4), for “Assembly” (in each place) substitute “Welsh Ministers”.
- 52 In section 151(2) (power to make consequential amendments), for “22” substitute “58 of the Government of Wales Act 2006”.
- 53 (1) Section 154 (orders and directions) is amended as follows.
- (2) In subsection (1), for “Assembly” substitute “Welsh Ministers”.
- (3) In subsection (3)—
- (a) omit paragraph (a), and
  - (b) in paragraph (b)—
    - (i) omit “96(5), 117,”, and
    - (ii) omit “144(1) or (4),”.
- (4) Omit subsection (4).
- (5) In subsection (6)—
- (a) in paragraph (a)—
    - (i) omit from “3” to “118(1)(f),”,
    - (ii) omit “144(1) or (4),”, and
    - (iii) omit “or paragraph 17(9) of Schedule 9”, and
  - (b) omit paragraph (b).
- (6) Omit subsection (7).
- 54 (1) Section 155 (interpretation) is amended as follows.
- (2) In subsection (1), insert the following definitions in the appropriate places—
- ““the Assembly” means the National Assembly for Wales,”,
- ““Audit Committee” has the meaning given by section 30 of the Government of Wales Act 2006,”,
- ““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,”, and
- ““English border area” means a part of England adjoining Wales (but not the whole of England),”.
- (3) In that subsection, omit the definitions of “Community law” and “delegate”.
- (4) In that subsection, for the definition of “Wales” substitute—

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““Wales” has the same meaning as in the Government of Wales Act 2006;”.

- (5) Omit subsection (2).
- (6) In subsection (3), omit the words from “; and the” to the end.
- 55 (1) Schedule 7 (Forestry Commissioners) is amended as follows.
  - (2) In paragraph 2 (functions of making subordinate legislation), for sub-paragraphs (2) to (8) substitute—
    - “(2) No provision—
      - (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.”
- (3) In paragraph 4(3) (receipts)—
  - (a) for “The Assembly” substitute “The Welsh Ministers”, and
  - (b) for “the Assembly” substitute “them”.
- (4) In paragraph 10(1) (reports), for “Assembly directs” (in both places) substitute “Welsh Ministers direct”.

#### *Human Rights Act 1998 (c. 42)*

- 56 (1) Section 21(1) of the Human Rights Act 1998 (interpretation) is amended as follows.
  - (2) In the definition of “primary legislation”, for “National Assembly for Wales” substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government,”.
  - (3) In the definition of “subordinate legislation”, after paragraph (b) insert—
    - “(ba) Measure of the National Assembly for Wales;
    - (bb) Act of the National Assembly for Wales;”.
  - (4) In paragraph (h) of that definition, after “Executive” insert “, Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government,”.

#### *Government Resources and Accounts Act 2000 (c. 20)*

- 57 In section 10 of the Government Resources and Accounts Act 2000 (designation of body by Treasury for purposes of preparing whole of government accounts), in—
  - (a) subsection (7) (duty to consult with Assembly), and
  - (b) subsection (8) (power to make arrangements with Assembly),

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for “National Assembly for Wales” substitute “Welsh Ministers”.

*Political Parties, Elections and Referendums Act 2000 (c. 41)*

- 58 The Political Parties, Elections and Referendums Act 2000 is amended as follows.
- 59 In section 8(3)(b) (functions exercisable only on recommendation of Electoral Commission), for “11 of the Government of Wales Act 1998” substitute “13 of the Government of Wales Act 2006”.
- 60 In section 10(6) (bodies to which Electoral Commission may give advice and assistance), after paragraph (c) insert—
- “(ca) the National Assembly for Wales Commission;”.
- 61 In section 13 (power of Electoral Commission to promote public awareness of electoral and democratic systems), after subsection (11) insert—
- “(12) Subsection (6) shall not apply to the expenditure incurred by the Commission to the extent that it is, or is to be, met under paragraph 6 of Schedule 2 to the Government of Wales Act 2006.”

*Finance Act 2003 (c. 14)*

- 62 The Finance Act 2003 is amended as follows.
- 63 In section 61(3) (stamp duty land tax: compliance with planning obligations), for the entry relating to the National Assembly for Wales substitute—
- “The Welsh Ministers, the First Minister for Wales and the Counsel General to the Welsh Assembly Government”.
- 64 In section 66(4) (stamp duty land tax: transfers involving public bodies)—
- (a) for the entry relating to the National Assembly for Wales substitute—
- “The Welsh Ministers, the First Minister for Wales and the Counsel General to the Welsh Assembly Government”, and
- (b) after the entry relating to the Northern Ireland Assembly Commission insert—
- “The National Assembly for Wales Commission”.
- 65 In section 107(2) (stamp duty land tax: Crown application)—
- (a) after the entry relating to a Northern Ireland department insert—
- “The Welsh Ministers, the First Minister for Wales and the Counsel General to the Welsh Assembly Government”, and
- (b) for the entry relating to the National Assembly for Wales substitute—
- “The National Assembly for Wales Commission”.

*Planning and Compulsory Purchase Act 2004 (c. 5)*

- 66 (1) Section 60 of the Planning and Compulsory Purchase Act 2004 (Wales Spatial Plan) is amended as follows.
- (2) In subsection (2)—
- (a) for “National Assembly for Wales” substitute “Welsh Ministers”, and

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- (b) for “it thinks” substitute “they think”.
- (3) In subsection (3), for “Assembly” substitute “Welsh Ministers”.
- (4) In subsection (4), for the words from “Assembly” to “appropriate” substitute “Welsh Ministers revise the Plan, they must publish (as they consider appropriate)”.
- (5) In subsection (5)—
  - (a) for “Assembly” substitute “Welsh Ministers”, and
  - (b) for “it considers” substitute “they consider”.
- (6) For subsection (6) substitute—

“(6) The Welsh Ministers may not publish the Plan as revised or the revised parts of the Plan unless the Plan or the revised parts have been laid before, and approved by a resolution of, the National Assembly for Wales.”
- (7) Omit subsection (7).

*Public Services Ombudsman (Wales) Act 2005 (c. 10)*

- 67 The Public Services Ombudsman (Wales) Act 2005 is amended as follows.
- 68 In section 7(3)(b) (relevant action: Welsh health service bodies), for “Assembly” substitute “Welsh Ministers”.
- 69 In section 8(2) (exclusion from investigation for matters not relating to Wales: exception for Assembly), for “Assembly” substitute “Welsh Assembly Government”.
- 70 In section 9(1)(b) (exclusion from investigation of matters: right of appeal to Assembly), for “or the Assembly” substitute “, the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government”.
- 71 (1) Section 10 (other excluded matters) is amended as follows.
  - (2) For “Assembly” (in both places) substitute “Welsh Ministers”.
  - (3) After subsection (3) insert—

“(3A) No order is to be made under subsection (2) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.”
- 72 In section 12 (decisions not to investigate etc.), omit subsection (9).
- 73 (1) Section 16 (reports of investigations) is amended as follows.
  - (2) In subsection (2)(f)—
    - (a) for “Assembly First Secretary” substitute “First Minister for Wales”, and
    - (b) for “Assembly” substitute “Welsh Assembly Government”.
  - (3) Omit subsection (9).
- 74 In section 21 (reports: alternative procedure), omit subsection (11).
- 75 In section 23 (special reports: supplementary), omit subsection (6).
- 76 (1) Section 24 (special reports relating to the Assembly) is amended as follows.

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- (2) In subsection (1), for “Assembly” substitute “Welsh Assembly Government or the National Assembly for Wales Commission”.
  - (3) In subsection (2)—
    - (a) for “Assembly First Secretary” substitute “relevant person”, and
    - (b) omit paragraph (b).
  - (4) After that subsection insert—
    - “(2A) In subsection (2) “the relevant person” means—
      - (a) if the complaint was made in respect of the Welsh Assembly Government, the First Minister for Wales, and
      - (b) if the complaint was made in respect of the National Assembly for Wales Commission, a member of that Commission.”
  - (5) Omit subsection (3).
  - (6) In the side-note, for “Assembly” substitute “Welsh Assembly Government etc.”.
- 77 (1) Section 25 (consultation and co-operation with other ombudsmen) is amended as follows.
- (2) In subsections (8) and (9), for “Assembly” substitute “Welsh Ministers”.
  - (3) After subsection (9) insert—
    - “(10) No order is to be made under subsection (8) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.”
- 78 (1) Section 28 (listed authorities) is amended as follows.
- (2) In subsections (2) and (4), for “Assembly” substitute “Welsh Ministers”.
  - (3) After subsection (4) insert—
    - “(4A) No order is to be made under subsection (2) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.”
- 79 (1) Section 29 (restrictions on power to amend Schedule 3) is amended as follows.
- (2) In subsection (1), for “Assembly” substitute “Welsh Assembly Government or the National Assembly for Wales Commission”.
  - (3) In subsection (2)(b), for “Assembly has” substitute “Welsh Ministers have, or the First Minister for Wales or the Counsel General to the Welsh Assembly Government has,”.
  - (4) In subsection (3)—
    - (a) in paragraphs (a) and (b), for “Assembly” substitute “Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government”, and
    - (b) in paragraph (c), for “directly from payments made by the Assembly or other listed authorities” substitute “out of the Welsh Consolidated Fund or is met directly from payments made by other listed authorities”.
  - (5) In subsection (5)—



- (a) in paragraph (a), for “Assembly” substitute “Welsh Ministers”, and
  - (b) in paragraph (b), for “directly or indirectly from payments made by the Assembly or other listed authorities” substitute “out of the Welsh Consolidated Fund or directly or indirectly from payments made by other listed authorities”.
- 80 (1) Section 30 (provisions in orders adding persons to Schedule 3) is amended as follows.
  - (2) In subsection (1)—
    - (a) for “Assembly proposes” substitute “Welsh Ministers propose”, and
    - (b) for “it must” substitute “they must”.
  - (3) In subsection (2), for “Assembly has” substitute “Welsh Ministers have, or the First Minister for Wales or the Counsel General to the Welsh Assembly Government has,”.
  - (4) In subsection (3)—
    - (a) in paragraph (a), for “Assembly has” substitute “Welsh Ministers have, or the First Minister for Wales or the Counsel General to the Welsh Assembly Government has,”, and
    - (b) in paragraph (b), for “Assembly” substitute “Welsh Ministers”.
- 81 In section 40 (commencement), for “Assembly” substitute “Welsh Ministers”.
- 82 (1) Section 41 (interpretation) is amended as follows.
  - (2) In subsection (1)—
    - (a) omit the definition of “Assembly Cabinet”,
    - (b) in the definition of “relevant tribunal”, for “Assembly” substitute “Welsh Ministers”,
    - (c) in the definition of “social landlord in Wales”—
      - (i) in paragraph (a), for “Assembly” substitute “Welsh Ministers” and after “section by” insert “the Assembly constituted by the Government of Wales Act 1998,”, and
      - (ii) in paragraph (b), for “or the Assembly” substitute “, the Assembly constituted by the Government of Wales Act 1998 or the Welsh Ministers”, and
    - (d) in the definition of “Welsh health service body”, for “Assembly” substitute “Welsh Ministers”.
  - (3) In subsection (2), for “Assembly” (in both places) substitute “Welsh Ministers”.
  - (4) After that subsection insert—

“(2A) A statutory instrument containing an order under subsection (1) is subject to annulment in pursuance of a resolution of the Assembly.”
  - (5) In subsection (3), for “Assembly” substitute “Welsh Ministers”.
  - (6) In subsection (4)—
    - (a) for “Assembly” substitute “Welsh Ministers”, and
    - (b) for “it thinks” substitute “they think”.
  - (7) After that subsection insert—

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- “(4A) No order is to be made under subsection (3) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.”
- 83 (1) Section 42 (former health care providers and social landlords) is amended as follows.
- (2) In subsection (1), for “Assembly” substitute “Welsh Ministers”.
- (3) In subsection (4)(a)—
- (a) in sub-paragraph (i), for “Assembly” substitute “Welsh Ministers” and after “section by” insert “the Assembly constituted by the Government of Wales Act 1998,”, and
- (b) in sub-paragraph (ii), for “or the Assembly” substitute “, the Assembly constituted by the Government of Wales Act 1998 or the Welsh Ministers”.
- (4) After subsection (5) insert—
- “(6) No regulations are to be made under this section unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, the Assembly.”
- 84 (1) Section 43 (consequential and transitional provision) is amended as follows.
- (2) In subsection (1)—
- (a) for “Assembly” substitute “Welsh Ministers”, and
- (b) for “it thinks” substitute “they think”.
- (3) After subsection (3) insert—
- “(4) No order is to be made under subsection (1) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.”
- 85 (1) Section 44 (orders, regulations and directions) is amended as follows.
- (2) In subsections (1) and (2), for “Assembly” substitute “Welsh Ministers”.
- (3) Omit subsection (3).
- 86 (1) Schedule 1 (Public Service Ombudsman for Wales: appointment etc.) is amended as follows.
- (2) For paragraph 1 (appointment) substitute—
- “1           The Ombudsman is to be appointed by Her Majesty on the nomination of the Assembly.”
- (3) In paragraph 3 (term of office)—
- (a) in sub-paragraph (3), for paragraph (b) substitute—
- “(b) on Her Majesty being satisfied that the person is incapable for medical reasons of performing the duties of the office.”,
- (b) in sub-paragraph (4), for the words following “Ombudsman” substitute “on the making of a recommendation, on the ground of the person’s misbehaviour, that Her Majesty should do so.”, and
- (c) for sub-paragraph (5) substitute—

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“(5) A recommendation for the removal of a person from office as the Ombudsman may not be made unless—

- (a) the Assembly has resolved that the recommendation should be made, and
- (b) the resolution of the Assembly is passed on a vote in which the number of Assembly members voting in favour of it is not less than two-thirds of the total number of Assembly seats.”

(4) In paragraph 4 (acting Public Service Ombudsman for Wales), for sub-paragraphs (1) and (2) substitute—

“(1) If the office of the Ombudsman becomes vacant, Her Majesty may, on the nomination of the Assembly, appoint a person to act as the Ombudsman.”

(5) In paragraph 5(1)(d) (disqualification from being Ombudsman or acting Ombudsman), for “section 12(1)(ca) of the Government of Wales Act 1998 (c. 38)” substitute “section 16(1)(d) of the Government of Wales Act 2006”.

(6) In paragraph 7(3) (exceptions from disqualifications applying to former Ombudsman or acting Ombudsman)—

- (a) in paragraph (a), after “Assembly” insert “or the National Assembly for Wales Commission”, and
- (b) in paragraph (b), for “Assembly First Secretary or Assembly Secretary” substitute “First Minister for Wales, Welsh Minister appointed under section 48 of the Government of Wales Act 2006, Counsel General to the Welsh Assembly Government or Deputy Welsh Minister”.

(7) In paragraph 9 (remuneration etc.), after sub-paragraph (5) insert—

“(6) Sums required for the making of payments under sub-paragraphs (1), (2) and (5) are to be charged on the Welsh Consolidated Fund.”

(8) For paragraph 10 (expenses) substitute—

*“Special financial provisions*

- 10   (1) Any sums payable by the Ombudsman in consequence of a breach, in the performance of any of the Ombudsman’s functions, of any contractual or other duty are to be charged on the Welsh Consolidated Fund.
- (2) And sub-paragraph (1) applies whether the breach occurs by reason of an act or omission of—
- (a) the Ombudsman,
  - (b) a member of the Ombudsman’s staff, or
  - (c) any other person acting on the Ombudsman’s behalf or assisting the Ombudsman in the exercise of functions.
- (3) The Ombudsman may retain income derived from fees charged by virtue of sections 12(6), 16(6), 21(8) and 23(2) (rather than pay it into the Welsh Consolidated Fund) for use in connection with the exercise of the functions conferred or imposed by this Act.”

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- (9) In paragraph 11(5) (payments by Assembly to Minister for the Civil Service in respect of superannuation benefits for Ombudsman's staff)—
- (a) for "Assembly" substitute "Ombudsman", and
  - (b) for "he" (in both places) substitute "the Minister".
- (10) In paragraph 13 (delegation), for sub-paragraph (4) substitute—
- “(4) No arrangements may be made between the Ombudsman, on the one hand, and the Welsh Ministers (or the First Minister for Wales or the Counsel General to the Welsh Assembly Government), on the other, for—
- (a) any functions of one of them to be exercised by the other,
  - (b) any functions of the Welsh Ministers (or the First Minister for Wales or the Counsel General to the Welsh Assembly Government) to be exercised by members of staff of the Ombudsman,
  - (c) any functions of the Ombudsman to be exercised by members of the staff of the Welsh Assembly Government, or
  - (d) the provision of administrative, professional or technical services by one of them for the other.”
- (11) In paragraph 14(3) (duty to send copy of extraordinary report to listed authorities other than the Assembly)—
- (a) after "time" insert "send a copy to the Welsh Assembly Government and", and
  - (b) for "than the Assembly" substitute "than the Welsh Assembly Government".
- (12) In paragraph 15 (estimates)—
- (a) in sub-paragraph (2), for the words following "estimate" substitute "at least five months before the beginning of the financial year to which it relates to the committee or committees of the Assembly specified in the standing orders of the Assembly.",
  - (b) in sub-paragraph (3)—
    - (i) for "Assembly Cabinet" substitute "committee or committees",
    - (ii) omit "to it", and
    - (iii) for "it thinks" substitute "thought", and
  - (c) for sub-paragraph (4) substitute—
 

“(4) Before laying before the Assembly with modifications an estimate submitted in accordance with sub-paragraph (2), the committee or committees must—

    - (a) consult the Ombudsman, and
    - (b) take into account any representations which the Ombudsman may make.”
- (13) In paragraph 18 (accounting officer)—
- (a) for "Treasury" (in each place) substitute "Audit Committee", and
  - (b) in sub-paragraph (6)(a), for "Assembly Cabinet" substitute "Welsh Ministers".
- 87 In paragraph 1 of Schedule 2 (excluded matters), for "Assembly" substitute "Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Assembly Government".

- 88 In Schedule 3 (listed authorities), under the heading “Government of Wales”, for the entry relating to the Assembly substitute—  
“The Welsh Assembly Government.  
The National Assembly for Wales Commission.”

*Inquiries Act 2005 (c. 12)*

- 89 The Inquiries Act 2005 is amended as follows.
- 90 In section 1(2) (“Ministers” who may cause inquiries to be held), after paragraph (b) insert—  
“(ba) the Welsh Ministers;”, and omit the words following paragraph (c).
- 91 (1) Section 27 (United Kingdom inquiries) is amended as follows.
- (2) In subsection (3)(b), for “National Assembly for Wales” substitute “Welsh Ministers”.
- (3) In subsection (7), in the definitions of “the relevant administration” and “Welsh matter”, for “National Assembly for Wales has” substitute “Welsh Ministers have”.
- 92 In section 28(4) (Scottish inquiries), for “National Assembly for Wales” substitute “Welsh Ministers”.
- 93 (1) Section 29 (Welsh inquiries) is amended as follows.
- (2) In subsection (1), for “National Assembly for Wales is” substitute “Welsh Ministers are”.
- (3) In subsection (5), for “National Assembly for Wales has” substitute “Welsh Ministers have”.
- 94 In section 30(5) (Northern Ireland inquiries), for “National Assembly for Wales” substitute “Welsh Ministers”.
- 95 (1) Section 41 (rules) is amended as follows.
- (2) In subsection (3)(c)—  
(a) for “National Assembly for Wales” substitute “Welsh Ministers”, and  
(b) for “that Assembly is” substitute “they are”.
- (3) In subsection (4)(a), for “National Assembly for Wales” substitute “Welsh Ministers”.
- (4) In subsection (5), after paragraph (a) insert—  
“(aa) if made by the Welsh Ministers, in pursuance of a resolution of the National Assembly for Wales;”.
- 96 In section 43(1) (interpretation), in the definition of “the relevant Parliament or Assembly”, for “National Assembly for Wales is responsible, that Assembly” substitute “Welsh Ministers are responsible, the National Assembly for Wales”.
- 97 In section 51(2) (commencement), for “National Assembly for Wales” substitute “Welsh Ministers”.