



# Government of Wales Act 2006

## 2006 CHAPTER 32

### PART 4

#### ACTS OF THE ASSEMBLY

##### *Power*

#### **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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.