



Government of Wales Act 2006

2006 CHAPTER 32

PART 2

^{F1}WELSH ... GOVERNMENT

Functions

58 Transfer of Ministerial functions

- (1) Her Majesty may by Order in Council—
- (a) provide for the transfer to the Welsh Ministers, the First Minister or the Counsel General of any function so far as exercisable by a Minister of the Crown in relation to Wales [^{F1}or the Welsh zone],
 - (b) direct that any function so far as so exercisable is to be exercisable by the Welsh Ministers, the First Minister or the Counsel General [^{F2}—
 - (i) concurrently or jointly with a Minister of the Crown, or
 - (ii) only with the agreement of, or after consultation with, a Minister of the Crown,] or
 - (c) direct that any function so far as exercisable by a Minister of the Crown in relation to Wales [^{F3}or the Welsh zone] is to be exercisable by the Minister of the Crown only with the agreement of, or after consultation with, the Welsh Ministers, the First Minister or the Counsel General.

[^{F4}(1A) An Order in Council under this section may not make provision about a function of a Minister of the Crown exercisable in relation to the area of the Welsh zone beyond the seaward limit of the territorial sea unless the function is connected with fishing, fisheries or fish health.

(1B) Subsection (1A) does not have effect in relation to an Order in Council to the extent that it contains provision made by virtue of paragraph 4 of Schedule 3 (functions exercisable beyond the territorial sea).]

- (2) An Order in Council under this section may, in particular, provide for any function exercisable by the Welsh Ministers, the First Minister or the Counsel General by virtue

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of an Order in Council under subsection (1)(a) or (b) to be exercisable either generally or in such circumstances as may be specified in the Order in Council, concurrently with any other of the Welsh Ministers, the First Minister or the Counsel General.

[^{F5}(2A) Her Majesty may by Order in Council—

- (a) make provision modifying (by reference to geographical extent or otherwise) a previously conferred or transferred water-related function;
- (b) provide for such a function to be exercisable—
 - (i) concurrently or jointly with a Minister of the Crown or the Welsh Ministers, or
 - (ii) only with the agreement of, or after consultation with, a Minister of the Crown or the Welsh Ministers.

(2B) In subsection (2A)—

"previously conferred or transferred function" means a function exercisable by—

- (a) the Welsh Ministers, the First Minister or the Counsel General,
- (b) a Minister of the Crown, or
- (c) any authority or other body,

by virtue of provision contained in or made under this Act or any other enactment;

"water-related function" means a function exercisable in relation to water supply, water quality, water resources management, control of pollution of water resources, sewerage, rivers and other watercourses, land drainage, flood risk management or coastal protection.]

(3) 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.

(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) has been approved by the Welsh Ministers.

(5) For further provision in connection with the transfer etc. of functions by Orders in Council under this section see Schedule 3.

Textual Amendments

F1 Words in s. 58(1)(a) inserted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 43, 324, [Sch. 4 Pt. 2 para. 6\(3\)\(a\)](#); S.I. 2009/3345, [art. 2](#), [Sch. para. 7](#)

F2 Words in s. 58(1)(b) substituted (8.1.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 21\(1\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); S.I. 2017/893, [reg. 2](#)

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- F3** Words in s. 58(1)(c) inserted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 43, 324, [Sch. 4 Pt. 2 para. 6\(3\)\(b\)](#); S.I. 2009/3345, [art. 2](#), Sch. para. 7
- F4** S. 58(1A)(1B) inserted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 43, 324, [Sch. 4 Pt. 2 para. 6\(3\)\(c\)](#); S.I. 2009/3345, [art. 2](#), Sch. para. 7
- F5** S. 58(2A)(2B) inserted (8.1.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 49, 71\(4\)](#) (with Sch. 7 paras. 1, 6, 7); S.I. 2017/893, reg. 2

Commencement Information

- I1** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(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\(c\)](#)