



Government of Wales Act 2006

2006 CHAPTER 32

[^{F1}PART 3

ASSEMBLY MEASURES

Power

[^{F1}94 **Legislative competence**

- (1) Subject to the provisions of this Part, an Assembly Measure may make any provision that could be made by an Act of Parliament.
- (2) An Assembly Measure is not law so far as any provision of the Assembly Measure is outside the [^{F2}Senedd's] legislative competence.
- (3) A provision of an Assembly Measure is within the [^{F2}Senedd's] legislative competence only if it falls within subsection (4) or (5).
- (4) A provision of an Assembly Measure falls within this subsection if—
 - (a) it relates to one or more of the matters specified in Part 1 of Schedule 5 [^{F3}and does not fall within any of the exceptions specified in paragraph A1 of Part 2 of that Schedule (whether or not the exception is under a heading corresponding to the field which includes the matter).], 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 Assembly Measure falls within this subsection if—
 - (a) it provides for the enforcement of a provision (of that or any other Assembly Measure) which falls within subsection (4) 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 [^{F2}Senedd's] legislative competence if—

Changes to legislation: Government of Wales Act 2006, Section 94 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) it breaches any of the restrictions in [F4 paragraphs 1 to 6 of] Part 2 of Schedule 5, 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 [F5EU] law.
- (7) For the purposes of this section the question whether a provision of an Assembly Measure relates to one or more of the matters specified in Part 1 of Schedule 5 [F6(or falls within any of the exceptions specified in paragraph A1 of Part 2 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.]

Textual Amendments

- F1** Pt. 3 ceases to have effect (5.5.2011) by virtue of [Government of Wales Act 2006 \(c. 32\), s. 106\(1\)\(1\)](#) (with [ss. 106\(2\), 106A](#)) (as amended (5.5.2011) by [S.I. 2011/1011](#), art. 4; see [S.I. 2011/1011](#), arts. 2, 3 for date of commencement of the Assembly Act provisions)
- F2** 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\(11\)-\(14\)](#))
- F3** Words in s. 94(4)(a) inserted (19.11.2009) by [The National Assembly for Wales \(Legislative Competence\) \(Exceptions to Matters\) Order 2009 \(S.I. 2009/3006\)](#), [art. 2\(2\)](#)
- F4** Words in s. 94(6)(a) inserted (19.11.2009) by [The National Assembly for Wales \(Legislative Competence\) \(Exceptions to Matters\) Order 2009 \(S.I. 2009/3006\)](#), [art. 2\(3\)](#)
- F5** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, [3-6](#)
- F6** Words in s. 94(7) inserted (19.11.2009) by [The National Assembly for Wales \(Legislative Competence\) \(Exceptions to Matters\) Order 2009 \(S.I. 2009/3006\)](#), [art. 2\(4\)](#)

Modifications etc. (not altering text)

- C1** S. 94(6)(b) restricted (11.2.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Welsh Language\) Order 2010 \(S.I. 2010/245\)](#), arts. 1(2), [2\(2\)](#)

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))

Changes to legislation:

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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\(c\)](#)