



# Wales Act 2017

## 2017 CHAPTER 4

### PART 2

#### LEGISLATIVE AND EXECUTIVE COMPETENCE: FURTHER PROVISION

##### *Miscellaneous*

### **53 Transfer of functions in relation to fishing vessels**

- (1) The functions to which this section applies, so far as exercisable in relation to Welsh fishing boats beyond the seaward limits of the Welsh zone, are transferred to the Welsh Ministers.
- (2) This section applies to —
  - (a) functions of a Minister of the Crown or the Marine Management Organisation under the Sea Fish (Conservation) Act 1967,
  - (b) functions of a Minister of the Crown under the Sea Fisheries Act 1968,
  - (c) functions of a Minister of the Crown under Parts 2 to 4 of the Fisheries Act 1981, and
  - (d) functions of a Minister of the Crown or the Marine Management Organisation under the Sea Fisheries (Wildlife Conservation) Act 1992.
- (3) But this section does not apply to—
  - (a) functions conferred on the Board of Trade by section 8 of the Sea Fish (Conservation) Act 1967;
  - (b) functions listed in paragraph 2(2) of Schedule 3A to the Government of Wales Act 2006 (inserted by this Act) (functions concurrently exercisable with the Welsh Ministers).
- (4) In this section—

““Welsh fishing boat”” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and

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whose entry in the register specifies a port in Wales as the port to which the vessel is to be treated as belonging;

““Welsh zone”” has the meaning given in section 158 of the Government of Wales Act 2006.

**Commencement Information**

**I1** S. 53 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(I)

**54 Transfer of functions in relation to excepted energy buildings**

- (1) The functions conferred or imposed on the Secretary of State by or under the Building Act 1984, so far as exercisable in relation to excepted energy buildings in Wales, are transferred to the Welsh Ministers.
- (2) But subsection (1) does not operate to transfer any functions that are reserved by the following provisions of the 2009 TFO—
  - (a) Article 3(b) (functions exercisable by Secretary of State as a Crown authority);
  - (b) Article 3(c) (powers of commencement etc);
  - (c) Article 4 (energy performance requirements and energy assessors for existing buildings).
- (3) The following provisions of the Government of Wales Act 2006 apply in relation to the transfer of functions under subsection (1) as they apply in relation to a transfer of functions by an Order in Council made under section 58 of that Act—
  - (a) Part 2 of Schedule 3 (exercise of functions transferred under section 58);
  - (b) paragraph 1 of Schedule 4 (general transfer of property, rights and liabilities).
- (4) In this section—
 

““excepted energy building”” has the meaning given in the Schedule to the 2009 TFO;

““the 2009 TFO”” means the Welsh Ministers (Transfer of Functions) (No. 2) Order 2009 (S.I. 2009/3019).

**Commencement Information**

**I2** S. 54 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(I)

**55 Renewable energy incentive schemes**

- (1) After section 148 of the Government of Wales Act 2006 insert—

*“Consultation with Welsh Ministers*

**148A Renewable energy incentive schemes**

- (1) The Secretary of State must consult the Welsh Ministers before—
  - (a) establishing a renewable energy incentive scheme that applies in Wales, or

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- (b) amending such a scheme as it relates to Wales.
- (2) Subsection (1) does not apply to amendments that appear to the Secretary of State to be minor or made only for technical or administrative reasons; and the Secretary of State is not to be taken to establish or amend a scheme by exercising a power under a scheme, other than a power that is exercisable subject to any parliamentary procedure.
- (3) Subsection (1) does not require the Secretary of State to consult the Welsh Ministers about any levy in connection with a renewable energy incentive scheme.
- (4) In this section a “renewable energy incentive scheme” means any scheme, whether statutory or otherwise, that provides an incentive to generate, or facilitate the generation of, electricity or heat from sources of energy other than fossil fuel or nuclear fuel. This includes provision made by or under the following so far as they relate to the generation of electricity or heat from sources of energy other than fossil fuel or nuclear fuel—
  - (a) sections 6 to 26 of the Energy Act 2013 (contracts for difference);
  - (b) sections 41 to 43 of the Energy Act 2008 (feed-in tariffs for small-scale generation of electricity);
  - (c) section 100 of that Act (renewable heat incentives);
  - (d) sections 32 to 32Z2 of the Electricity Act 1989 (renewables obligations or certificate purchase obligations).”
- (2) Where, before the commencement of this section, the Secretary of State has consulted, or is consulting, the Welsh Ministers regarding a renewable energy incentive scheme within the meaning of section 148A of the Government of Wales Act 2006 (inserted by subsection (1) above), that consultation is to be treated as fulfilling the obligation in that section.

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**Commencement Information**

**I3** S. 55 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(I)

## 56 Financial assistance for inland waterway and sea freight

- (1) Section 272 of the Transport Act 2000 (financial assistance for inland waterway and sea freight) is amended as follows.
- (2) For subsection (4) substitute—
  - “(4) So far as it relates to inland waterways that are wholly in Wales, the power conferred by this section is a power of the Welsh Ministers.
  - (4A) So far as it relates to—
    - (a) the carriage of goods by an inland waterway that is partly in Wales, or
    - (b) the carriage of goods by sea where the carriage concerned is wholly or partly by sea adjacent to Wales,
 the power conferred by this section may be exercised concurrently or jointly by the Secretary of State and the Welsh Ministers.”
- (3) For subsection (6) substitute—

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“(6) In this section—

“inland waterway” includes both a natural and an artificial inland waterway;

“sea adjacent to Wales” means the sea adjacent to Wales out as far as the seaward boundary of the territorial sea.

(7) An order under section 158(3) of the Government of Wales Act 2006 determining, or making provision for determining, any boundary between waters which are to be treated as parts of the sea adjacent to Wales and those which are not applies for the purposes of the definition of “sea adjacent to Wales” in this section as it applies for the purposes of the definition of “Wales” in that Act.”

**Commencement Information**

**I4** S. 56 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(I)

**57 Maritime and Coastguard Agency**

(1) In section 1 of the Coastguard Act 1925 (transfer of the coastguard to the Board of Trade), after subsection (4) insert—

“(5) The Secretary of State must consult the Welsh Ministers about the strategic priorities of the Secretary of State in exercising functions under subsection (1) in relation to activities of Her Majesty's Coastguard in Wales.

(6) In subsection (5) “Wales” has the same meaning as in the Government of Wales Act 2006.”

(2) In section 292 of the Merchant Shipping Act 1995 (general functions of the Secretary of State), after subsection (4) insert—

“(5) The Secretary of State must consult the Welsh Ministers about the strategic priorities of the Secretary of State in exercising functions under subsection (1) in relation to the safety standards of ships in Wales and protecting the health and safety of persons on them.

(6) In subsection (5) “Wales” has the same meaning as in the Government of Wales Act 2006.”

**Commencement Information**

**I5** S. 57 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(I)

**58 Gaming machines on licensed betting premises**

(1) In section 172 of the Gambling Act 2005 (gaming machines), in subsection (12) (definition of “appropriate Minister”), after paragraph (a) insert—

“(aa) the Welsh Ministers, so far as, in the case of a betting premises licence in respect of premises in Wales and not in respect of a track, the order varies—

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- (i) the number of gaming machines authorised for which the maximum charge for use is more than £10, or
  - (ii) whether such machines are authorised;”
- (2) In section 355 of that Act (regulations, orders and rules)—
  - (a) in subsection (1), after ““the Secretary of State”” insert “ , the Welsh Ministers ”;
  - (b) in subsection (3), after ““the Secretary of State”” insert “ or the Welsh Ministers ”;
  - (c) after subsection (8) insert—
    - “(8A) An order of the Welsh Ministers under section 172 shall not be made unless a draft has been laid before and approved by resolution of the National Assembly for Wales.”
- (3) The amendments made by this section do not apply in relation to a betting premises licence issued before this section comes into force.

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#### Commencement Information

**I6** [S. 58](#) in force at 1.4.2018 by [S.I. 2017/1179](#), [reg. 3\(1\)](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) transitional and savings provisions for commencing S.I. 2017/1179 by [S.I. 2018/278](#) reg. 2Sch.