

SCHEDULE 2

Article 5

Enactments Subject to Constraint on Ministerial Exercise

Copyright Act 1911 c.46

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Textual Amendments

F1 Sch. 2 entry revoked (1.2.2004) by [Legal Deposit Libraries Act 2003 \(c. 28\)](#), s. 16(1), **Sch.** (with s. 16(4)); S.I. 2004/130, art. 2

Textual Amendments

F1 Sch. 2 entry revoked (1.2.2004) by [Legal Deposit Libraries Act 2003 \(c. 28\)](#), s. 16(1), **Sch.** (with s. 16(4)); S.I. 2004/130, art. 2

F2
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Textual Amendments

F2 Words in Sch. 2 omitted (18.7.2013) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **29(3)** (with art. 24)

Sex Discrimination Act 1975 c.65

The function of the Secretary of State under section 53(1) of making appointments to the Equal Opportunities Commission shall be exercisable only with the agreement of the Assembly so far as necessary to ensure that there is at all times one Commissioner who has been appointed with the agreement of the Assembly.

Race Relations Act 1976 c.74

The function of the Secretary of State under section 43(1) of making appointments to the Commission for Racial Equality shall be exercisable only with the agreement of the Assembly so far as necessary to ensure that there is at all times one Commissioner who has been appointed with the agreement of the Assembly.

Changes to legislation: There are currently no known outstanding effects for the The National Assembly for Wales (Transfer of Functions) Order 1999, SCHEDULE 2. (See end of Document for details)

Local Government, Planning and Land Act 1980 c.65

The function of the Secretary of State under paragraph 8(1) of Schedule 31 shall be exercisable only with the agreement of the Assembly.

Industrial Development Act 1982 c.52

The functions of the Secretary of State under section 8(5) and (7) shall be exercisable only after consultation with the Assembly.

The functions of the Secretary of State under section 15, so far as a report required to be made under this section relates to functions of the Assembly under this Act, shall be exercisable only with the agreement of the Assembly.

Mental Health Act 1983 c.20

The function of the Lord Chancellor under paragraph 1(b) and (c) of Schedule 2 shall be exercisable only after consultation with the Assembly.

Registered Homes Act 1984 c.23

The functions of the Secretary of State under sections 43 and 45 shall be exercisable only with the agreement of the Assembly.

The functions of the Secretary of State under section 44 shall be exercisable only after consultation with the Assembly.

Road Traffic Regulation Act 1984 c.27

The functions of "the Ministers" under section 81(2) shall be exercisable only after consultation with the Assembly.

Food and Environment Protection Act 1985 c.48

To the extent that functions exercisable under sections 8 and 10(1) relate to the abandonment of an "offshore installation" as defined in section 44 of the Petroleum Act 1988 (c.17), such functions shall be exercisable by a Minister of the Crown only after consultation with the Assembly.

Environmental Protection Act 1990 c.43

The function of the Secretary of State under paragraph 7(3) of Schedule 7 shall be exercisable only after consultation with the Assembly.

[^{F3}Water Industry Act 1991 c 56

Textual Amendments

- F3** Sch. 2 entry inserted (1.10.2004 for specified purposes, 1.4.2007 in so far as not already in force) by Water Act 2003 (c. 37), ss. **100(3)**, 105(3) (with s. 100(7)); S.I. 2004/2528, art. 2(s)(iii) (with Sch. para. 8); S.I. 2007/1021, art. 2(c)

The functions of the Secretary of State under sections 37A to 37D, 39B and 39C so far as relating to matters other than the construction or enlargement of reservoirs shall be exercisable only after consultation with the Assembly.]

Water Resources Act 1991 c.57

The function of the Secretary of State under section 82 shall be exercisable only with the agreement of the Assembly.

Further and Higher Education Act 1992 c.13

The function of the Secretary of State under sections 1(7), 62(8) and 82 shall be exercisable only after consultation with the Assembly.

Local Government Finance Act 1992 c.14

The function of the Secretary of State under section 1(3) shall, as regards a dwelling part only of which falls within the area of a Welsh billing authority, be exercisable only with the agreement of the Assembly.

Transport and Works Act 1992 c.42

The order, rule and regulation-making functions of the Secretary of State under sections 1, 3, 6, 7(4), 8, 10 and 15 shall be exercisable only with the agreement of the Assembly.

National Lottery etc. Act 1993 c.39

The functions specified in paragraphs (a), (b) and (d) of the entry in relation to this Act in Schedule 1 which are to be exercisable by the Assembly concurrently with the Secretary of State, shall, to the extent that they are so exercisable by the Secretary of State, be exercisable by him only after consultation with the Assembly.

The functions under the following provisions shall be exercisable by the Secretary of State only with the agreement of the Assembly—

Changes to legislation: There are currently no known outstanding effects for the The National Assembly for Wales (Transfer of Functions) Order 1999, SCHEDULE 2. (See end of Document for details)

- (a) sections 26(3) and (3A), 29(1) and (3)(b) and 35(3) so far as they relate to the Arts Council of Wales and the Sports Council for Wales;
- (b) paragraphs 2(1) and (2) and 7(1) and (2) of Schedule 3A so far as they relate to a joint scheme (other than one in which the only participating bodies are the Arts Council of Wales and the Sports Council for Wales) the area of which includes all or any part of Wales;
- (c) paragraph 1(1) of Schedule 5 so far as necessary to ensure that there is at all times one member of the National Lottery Charities Board who has been appointed with agreement of the Assembly;
- (d) paragraph 1 of Schedule 6A so far as it relates to the appointment, as a member of the New Opportunities Fund, of a person who appears to the Secretary of State to be suited to make the interests of Wales his special care.

Education Act 1994 c.30

The function of the Secretary of State under section 3(2) shall be exercisable only with the agreement of the Assembly.

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Education Act 1996 c.56

The functions of the Secretary of State under sections 333(5) and (6), 334(2), 335 and 336 shall be exercisable only with the agreement of the Assembly.

The regulation-making functions of the Secretary of State under sections 492 to 494 shall be exercisable only after consultation with the Assembly.

The functions of the Secretary of State under sections 492(5), 494(4) and 495, so far as they relate to a dispute to which only one party is in Wales, shall be exercisable only after consultation with the Assembly.

Nurses, Midwives and Health Visitors Act 1997 c.24

The function of the Secretary of State under section 19(5), so far as it relates to rules affecting the Board together with one or more other Boards, shall be exercisable only after consultation with the Assembly.

Petroleum Act 1998 c.17

The functions of the Secretary of State under sections 32(1) and (2), 33(1), 34(1), and (7), 35(1), 37(1) and 39(1) shall be exercisable only after consultation with the Assembly.

Audit Commission Act 1998 c.18

The functions of the Secretary of State under section 1(2) and under paragraph 4(4) of Schedule 1 shall be exercisable only with the agreement of the Assembly so far as necessary to ensure that, at all material times, one of the persons appointed as a member of the Commission shall have been appointed with the agreement of the Assembly.

The functions of the Secretary of State under section 1(3) and under paragraphs 7(1) and 11(1) of Schedule 1 shall be exercisable only after consultation with the Assembly.

[^{F4}Health Act 1999 (c.8)

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Textual Amendments

F4 Words in [Sch. 2](#) inserted (1.7.1999) by [Health Act 1999 \(c. 8\)](#), **ss. 66(4)(6)**, 67(4)(a)

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Textual Amendments

F5 [Sch. 2](#) entries revoked (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13(1)(2)(h)

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Textual Amendments

F5 [Sch. 2](#) entries revoked (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), **Sch. 14 Pt. 2**; S.I. 2004/759, art. 13(1)(2)(h)

Changes to legislation:

There are currently no known outstanding effects for the The National Assembly for Wales (Transfer of Functions) Order 1999, SCHEDULE 2.