

**2006 No. 1458**

**CONSTITUTIONAL LAW**

**DEVOLUTION, WALES**

**The National Assembly for Wales (Transfer of Functions)  
Order 2006**

*Made* - - - - - *7th June 2006*

*Coming into force* - - - - - *8th June 2006*

At the Court at Buckingham Palace, the 7th day of June 2006

Present,

The Queen's Most Excellent Majesty in Council

Whereas the draft of this Order has been laid before, and approved by resolution of, each House of Parliament:

Now, therefore, Her Majesty, in pursuance of sections 22 and 24(1) of, and paragraph 1 of Schedule 3 to, the Government of Wales Act 1998 (a), is pleased, by and with the advice of Her Privy Council, to order, and it is ordered, as follows—

**Citation and commencement**

1.—(1) This Order may be cited as the National Assembly for Wales (Transfer of Functions) Order 2006.

(2) This Order shall come into force on the day after the day on which it is made.

**Transfer of Functions**

2. The following functions of a Minister of the Crown are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales—

- (a) the functions of the Secretary of State under section 1 of the Education (Fees and Awards) Act 1983(b); and
- (b) all functions of the Secretary of State under the Regulatory Reform (Fire Safety) Order 2005 (c).

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(a) 1998 c.38.  
(b) 1983 c.40.  
(c) S.I.2005/1541.

3. Any reference in this Order to a function of a Minister of the Crown under an enactment or subordinate legislation includes a reference to any functions of that Minister which are included in any scheme, regulations, rules, order, bye-laws or other instrument having effect under or in relation to that enactment or subordinate legislation, and the power to confer functions on that Minister by any such scheme, regulations, rules, order, bye-laws or other instrument shall have effect as a power to confer such functions on the Assembly.

#### **Transfer of property**

4. The provisions of section 23(1) of the Government of Wales Act 1998 do not apply to any documentary or electronic records to which a Minister of the Crown is entitled, at the coming into force of this Order, in connection with any function exercisable by the Minister which is transferred by this Order.

*A.K.Galloway*  
Clerk of the Privy Council

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Certain functions of the Secretary of State under the Education (Fees and Awards) Act 1983 (c.40) and the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) are, in so far as they are exercisable in relation to Wales, transferred by this Order to the National Assembly for Wales.

The functions of the Secretary of State under the Education (Fees and Awards) Act 1983 were, in so far as they are exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), with the exception of functions under section 1. The functions under section 1 of that Act are, in so far as they are exercisable in relation to Wales, transferred by this Order. That section enables the Secretary of State to make regulations authorising or requiring certain institutions which provide higher or further education to charge students who do not have such a connection with the United Kingdom as is specified in the regulations, fees which are higher than those charged to students who do have such a connection.

Functions of the Secretary of State under the Regulatory Reform (Fire Safety) Order 2005, in so far as they are exercisable in relation to Wales, are transferred to the Assembly. The 2005 Order reforms the law relating to fire safety in non-domestic premises. The functions transferred include—

- power to make regulations about fire precautions (article 24);
- power to authorise persons as enforcing authority for certain premises (article 25);
- power to issue guidance to enforcing authorities (article 26);
- power to determine disputes (article 36); and
- a duty to ensure guidance is available (article 50).

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