

EXPLANATORY MEMORANDUM TO
THE PARLIAMENTARY COPYRIGHT (NATIONAL ASSEMBLY FOR
WALES) ORDER 2007

2007 No. 1116

1. This explanatory memorandum has been prepared by the Department for Trade and Industry and is laid before Parliament by Command of Her Majesty.

2. **Description**

The Order applies parliamentary copyright protection with appropriate modifications to works made by or under the direction or control of the National Assembly for Wales as constituted by the Government of Wales Act 2006 (“the new Assembly”). It is necessary given the changes in the structure of the devolution settlement in Wales under the Government of Wales Act 2006 (GOWA 2006).

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None

4. **Legislative Background**

- 4.1 At present, under the Government of Wales Act 1998, the National Assembly for Wales (“the current Assembly”) is a single corporate body which exercises its functions on behalf of the Crown. Therefore all material produced by the current Assembly is protected by Crown copyright.
- 4.2 Under GOWA 2006, there will be a separate legislature (the new Assembly) and executive (the Welsh Assembly Government, including the Welsh Ministers), together with the National Assembly for Wales Commission, that will provide property, staff and services to the new Assembly. Post separation, which will occur following the Assembly elections in May, the new Assembly will not be a Crown body and therefore material produced by it will not be protected by Crown copyright. The Order will apply parliamentary copyright with modifications to this material. In this way, works of the National Assembly for Wales will be protected by copyright in the same way as works of the Scottish Parliament and the Northern Ireland Assembly.

5. **Territorial Extent and Application**

The instrument extends to England and Wales, Scotland and Northern Ireland.

6. European Convention on Human Rights

The Minister of State for Science and Innovation has made the following statement regarding Human Rights:

In my view the provisions of the Parliamentary Copyright (National Assembly for Wales) Order 2007 are compatible with the Convention rights

7. Policy background

- 7.1 GOWA 2006 received Royal Assent on 25 July 2006. The purpose of GOWA 2006 is to make provision about the government of Wales.
- 7.2 The Act effects the formal separation between the executive and legislative arms of the current Assembly; it establishes the Welsh Assembly Government (made up of the First Minister, Welsh Ministers and their deputies and the Counsel General) as an entity separate from, but accountable to, the new Assembly. Most of the statutory functions of the current Assembly will become functions of the Welsh Ministers.
- 7.3 The dissolution of the current Assembly and the creation of the new Assembly will take place following the election in May 2007.

Consultation

- 7.4 This order makes provision to deal with the transition from the current Assembly to the new arrangements under GOWA 2006, and does not contain new policy on which public consultation is required. Therefore, there has been no public consultation, however, relevant interested parties have been consulted.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

9. Contact

Mark Bryant at the Patent Office Tel: 01633 814792 or email: Mark.Bryant@patent.gsi.gov.uk can answer any queries regarding the instrument.