

**2007 No. 1353**

**CONSTITUTIONAL LAW**

**DEVOLUTION, WALES**

**The National Assembly for Wales Commission (Crown Status)  
(No. 2) Order 2007**

*Made* - - - - - *2nd May 2007*

*Laid before Parliament* *9th May 2007*

*Coming into force* - - - *30th May 2007*

At the Court at Buckingham Palace, the 2nd day of May 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by paragraph 12 of Schedule 2 to the Government of Wales Act 2006(a), is pleased, by and with the advice of Her Privy Council, to order, as follows:

**Citation and commencement**

1.—(1) This Order may be cited as the National Assembly for Wales Commission (Crown Status) (No. 2) Order.

(2) This Order shall come into force on 30th May 2007.

**The Health and Safety at Work etc. Act 1974**

2.—(1) The Assembly Commission shall be treated as a Crown body for the purposes of the Health and Safety at Work etc. Act 1974(b) to the extent specified in this article.

(2) References to the Crown in section 36 (offences due to fault of other person) and section 48(1), (2), (3) and (4) (application to the Crown) shall be treated as including the Assembly Commission.

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(a) 2006 c.32. Paragraph 19 of Schedule 11 to the Government of Wales Act 2006 provides that until the end of the initial period (as defined in section 161(5) of that Act) an Order in Council under paragraph 12 of Schedule 2 shall not be subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(b) 1974 c.37.

### **Ancient Monuments and Archaeological Areas Act 1979**

3.—(1) The Assembly Commission shall be treated as a Crown body for the purposes of the Ancient Monuments and Archaeological Areas Act 1979(a) to the extent specified in this article.

(2) For the purposes of section 50 (application to Crown land) the Assembly Commission shall be treated as a government department (and references to the Crown in that section shall be construed accordingly).

### **Town and Country Planning Act 1990**

4.—(1) The Assembly Commission shall be treated as a Crown body for the purposes of the Town and Country Planning Act 1990(b) to the extent specified in this article.

(2) References to the Crown or an emanation of the Crown in the following provisions shall be treated as including the Assembly Commission—

- (a) section 211 (preservation of trees in conservation area)(c);
- (b) section 226 (compulsory acquisition of land for development etc)(d);
- (c) section 228 (compulsory acquisition of land by Secretary of State)(e);
- (d) section 296A (enforcement in relation to the Crown)(f);
- (e) section 298A (applications for planning permission by Crown)(g);
- (f) section 302 and Schedule 15 (enforcement of war-time breaches of planning control)(h);
- (g) section 329A (service of notices on the Crown)(i).

(3) For the purposes of section 293 (definitions)(j) the Assembly Commission shall be treated as a government department (and any reference to the Crown in that section shall be construed accordingly).

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

5.—(1) The Assembly Commission shall be treated as a Crown body for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990(k) to the extent specified in this article.

(2) References to the Crown in the following provisions shall be treated as including the Assembly Commission—

- (a) section 47 (compulsory acquisition of building needing repair)(l);
- (b) section 82A (application to the Crown)(m);
- (c) section 82D (enforcement in relation to the Crown)(n);

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(a) 1979 c.46.  
(b) 1990 c.8.  
(c) Subsections (5)-(8) of section 211 were inserted by section 86 of the Planning and Compulsory Purchase Act 2004 (c.5) ("the 2004 Act").  
(d) Section 226 was amended by section 20(4) of and Schedule 6 paragraph 24(6) to the Local Government (Wales) Act 1994 (c.19) and by sections 79, 99 and 120 of and Schedule 3 paragraph 3 and Schedule 9 to the 2004 Act.  
(e) Section 228 was amended by section 79(4) of and Schedule 3 paragraph 4 to the 2004 Act and by S.I. 1999/2971 and S.I. 2006/1926.  
(f) Section 296A was inserted by section 84(2) of the 2004 Act.  
(g) Section 298A was inserted by section 79(4) of and Schedule 3 paragraph 10 to the 2004 Act.  
(h) Schedule 15 paragraph 14(4) is amended by section 332 of and Schedule 37, Part 9 to the Criminal Justice Act 2003 (c.44) from a day to be appointed.  
(i) Section 329A was inserted by section 79(4) of and Schedule 3 paragraph 16 to the 2004 Act.  
(j) Section 293 was amended by sections 79(4) and 120 of and Schedule 3 paragraphs 6 and 22 and Schedule 9 to the 2004 Act.  
(k) 1990 c.9.  
(l) Section 47 was amended by section 20(4) of and Schedule 6 paragraph 25(6) to the Local Government (Wales) Act 1994, section 109 of and Schedule 8 paragraph 344 and Schedule 10 to the Courts Act 2003 (c.39) and section 79(4) of and Schedule 3 paragraph 5 to the 2004 Act.  
(m) Section 82A was inserted by section 79(2) of the 2004 Act.  
(n) Section 82D was inserted by section 84(3) of the 2004 Act.

(d) section 82F (applications for listed building consent etc by Crown)(a).

(3) For the purposes of section 82C (b)(expressions relating to the Crown) the Assembly Commission shall be treated as a government department (and any reference to the Crown in that section shall be construed accordingly).

### **The Welsh Language Act 1993**

6.—(1) The Assembly Commission shall be treated as a Crown body for the purposes of the Welsh Language Act 1993(c) to the extent specified in this article.

(2) The reference to any person acting as a servant or agent of the Crown in section 21 shall be treated as including a reference to the Assembly Commission.

### **Health Act 2006**

7. The Assembly Commission shall be treated as a Crown body for the purposes of Chapter 1 of Part I of the Health Act 2006(d).

*Christine Cook*  
Deputy Clerk of the Privy Council

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(a) Section 82F was inserted by section 79(4) of and Schedule 3 paragraph 11 to the 2004 Act.  
(b) Section 82C was inserted by section 79(4) of and Schedule 3 paragraph 7 to the 2004 Act.  
(c) 1993 c.38.  
(d) 2006 c.28.

## EXPLANATORY NOTE

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

This Order provides for the National Assembly for Wales Commission, (“the Commission”) established by section 27 of the Government of Wales Act 2006 (c.32.), to be treated as a Crown body for certain purposes of the following enactments—

- (a) The Health and Safety at Work etc. Act 1974;
- (b) Ancient Monuments and Archaeological Areas Act 1979;
- (c) Town and Country Planning Act 1990;
- (d) Planning (Listed Buildings and Conservation Areas) Act 1990;
- (e) The Welsh Language Act 1993;
- (f) Health Act 2006.

See the National Assembly for Wales Commission (Crown Status) Order 2007 (S.I. 2007/1118) for an earlier Order treating the Commission as a Crown body for the purposes of certain other enactments.

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