



Legislation (Wales) Act 2019

2019 anaw 4

PART 3

MISCELLANEOUS

38 Power to replace descriptions of dates and times in Welsh legislation

- (1) Where a provision in any legislation to which this section applies describes a date or time by reference to the coming into force of an enactment or the occurrence of any other event, the Welsh Ministers may by regulations amend the provision so that it refers to the actual date or time (once known).
- (2) Regulations under subsection (1) may also—
 - (a) amend the legislation to include an explanation of the date or time they insert;
 - (b) make consequential provision which amends, repeals or revokes any enactment.
- (3) This section applies to the following legislation (whenever enacted or made)—
 - (a) Assembly Acts and Assembly Measures;
 - (b) subordinate legislation made under Assembly Acts and Assembly Measures;
 - (c) any other subordinate legislation made by the Welsh Ministers or the National Assembly for Wales established by the [Government of Wales Act 1998 \(c. 38\)](#) that applies only in relation to Wales;
 - (d) any other enactment, so far as it is amended by legislation mentioned in paragraph (a), (b) or (c).

39 Power to make subordinate legislation in different forms

- (1) Where the Welsh Ministers have a power or duty to make subordinate legislation in the form of regulations, rules or an order made by statutory instrument, they may exercise the power or duty by making the subordinate legislation in any other of those forms by statutory instrument.

Status: This is the original version (as it was originally enacted).

- (2) This does not affect the procedure for making a statutory instrument containing the subordinate legislation.
- (3) A reference in any enactment, instrument or document to regulations, rules or an order made under the power or duty includes subordinate legislation made under it in any other form in reliance on subsection (1).
- (4) Subsection (1) does not apply to subordinate legislation that—
 - (a) is made under an Act of the Parliament of the United Kingdom or retained direct EU legislation, and
 - (b) applies otherwise than in relation to Wales.

40 Combining subordinate legislation subject to different Assembly procedures

- (1) Where the Welsh Ministers make, or propose to make, a statutory instrument that would otherwise be subject to two or more different Assembly procedures as a result of the subordinate legislation that it contains, whichever of those Assembly procedures is mentioned first in subsection (2) applies to the instrument (and none of the other Assembly procedures apply).
- (2) In this section, “Assembly procedure” means a procedure which has the effect that—
 - (a) a statutory instrument (or the subordinate legislation that it contains) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales,
 - (b) a statutory instrument must be laid before the National Assembly for Wales after being made and must be approved by resolution of the National Assembly in order for the subordinate legislation that it contains to come into force or continue in force,
 - (c) a statutory instrument is subject to annulment in pursuance a resolution of the National Assembly for Wales,
 - (d) a statutory instrument must be laid before the National Assembly for Wales after being made, or
 - (e) a statutory instrument is not required to be laid before the National Assembly for Wales at any time.
- (3) The fact that the Welsh Ministers have made subordinate legislation in a statutory instrument to which subsection (1) applies does not—
 - (a) prevent them making further subordinate legislation in a statutory instrument to which that subsection does not apply, or
 - (b) affect the Assembly procedure that applies to such an instrument.
- (4) Subsection (1) does not apply to a statutory instrument containing any subordinate legislation that—
 - (a) is made by the Welsh Ministers under an Act of the Parliament of the United Kingdom or retained direct EU legislation, and
 - (b) applies otherwise than in relation to Wales.