

Status: This is the original version (as it was originally enacted).

SCHEDULE 1

(Introduced by section 6)

DEFINITIONS OF WORDS AND EXPRESSIONS

TABLE

Assembly Act (<i>Deddf Cynulliad</i>)	“Assembly Act” means an Act of the National Assembly for Wales, enacted under Part 4 of the Government of Wales Act 2006 (c. 32)
Assembly Measure (<i>Mesur Cynulliad</i>)	“Assembly Measure” means a Measure of the National Assembly for Wales, enacted under Part 3 of the Government of Wales Act 2006 (which ceased to have effect by virtue of section 106 of that Act, subject to the saving which is continued by paragraph 5 of Schedule 7 to the Wales Act 2017 (c. 4))
Bank of England (<i>Banc Lloegr</i>)	“Bank of England” means, as the context requires— (a) the Governor and Company of the Bank of England, or (b) the bank of the Governor and Company of the Bank of England
Charity Commission (<i>Comisiwn Elusennau</i>)	“Charity Commission” means the Charity Commission for England and Wales, continued in existence by section 13 of the Charities Act 2011 (c. 25)
Counsel General (<i>Cwnsler Cyffredinol</i>)	“Counsel General” means the Counsel General to the Welsh Government, appointed under section 49 of the Government of Wales Act 2006 (c. 32)
county court (<i>llys sirol</i>)	“county court” means the county court in England and Wales, established by section A1 of the County Courts Act 1984 (c. 28)
Court of Appeal (<i>Llys Apêl</i>)	“Court of Appeal” means Her Majesty’s Court of Appeal in England and Wales
Court of Protection (<i>Llys Gwarchod</i>)	“Court of Protection” means the Court of Protection established by section 45 of the Mental Capacity Act 2005 (c. 9)
Crown Court (<i>Llys y Goron</i>)	“Crown Court” means the Crown Court in England and Wales, originally established by section 4 of the Courts Act 1971 (c. 23) (which was repealed by the Senior Courts Act 1981 (c. 54))
EEA agreement (<i>cytundeb yr AEE</i>)	“EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the Protocol adjusting that Agreement signed

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	at Brussels on 17 March 1993, as modified or supplemented from time to time; but in relation to a time on or after exit day does not include any retained direct EU legislation
EEA state (<i>gwladwriaeth AEE</i>)	“EEA state”, in relation to any time, means— (a) a state which at that time is a member State, or (b) any other state which at that time is a party to the EEA agreement
enactment (<i>deddfiad</i>)	“enactment” means any of the following or a provision of any of the following— (a) an Assembly Act, (b) an Assembly Measure, (c) an Act of the Parliament of the United Kingdom, (d) any retained direct EU legislation, or (e) any subordinate legislation
England (<i>Lloegr</i>)	“England” has the meaning given by Schedule 1 to the Interpretation Act 1978 (c. 30)
the EU (<i>yr UE</i>) or the European Union (<i>yr Undeb Ewropeaidd</i>)	“the EU” or “the European Union” means the Union established by the Treaty on European Union signed at Maastricht on 7 February 1992, as amended by any later Treaty; and includes, so far as the context permits or requires, the European Atomic Energy Community
EU institution (<i>sefydliad UE</i>)	“EU institution” means any institution of the European Union
EU instrument (<i>offeryn UE</i>)	“EU instrument” means any instrument issued by an EU institution, but in relation to a time on or after exit day does not include any retained direct EU legislation
European Court (<i>Llys Ewropeaidd</i>)	“European Court” means the Court of Justice of the European Union
exit day (<i>diwrnod ymadael</i>)	“exit day” and related expressions are to be interpreted in accordance with section 20(1) to (5) of the European Union (Withdrawal) Act 2018 (c. 16)
family court (<i>llys teulu</i>)	“family court” means the family court in England and Wales, established by section 31A of the Matrimonial and Family Proceedings Act 1984 (c. 42)
financial year (<i>blwyddyn ariannol</i>)	“financial year” means a year ending with 31 March
First Minister (<i>Prif Weinidog</i>)	“First Minister” means the First Minister for Wales, appointed under section 46(1) of the

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	Government of Wales Act 2006 (c. 32) (and see section 45(2) of that Act, which provides that references to the Welsh Ministers include the First Minister)
Her Majesty’s Revenue and Customs (<i>Cyllid a Thollau Ei Mawrhydi</i>)	“Her Majesty’s Revenue and Customs” has the meaning given by section 4 of the Commissioners for Revenue and Customs Act 2005 (c. 11) (and see sections 3(5) and 11(4) of the Borders, Citizenship and Immigration Act 2009 (c. 11) , which provide for references to Her Majesty’s Revenue and Customs to include certain officials designated under that Act)
High Court (<i>Uchel Lys</i>)	“High Court” means Her Majesty’s High Court of Justice in England and Wales
indictable offence (<i>trosedd dditiadwy</i>)	“indictable offence” means— (a) an offence which, if committed by an adult, is triable only on indictment, or (b) an offence triable either way
land (<i>tir</i>)	“land” includes buildings and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land
Local Health Board (<i>Bwrdd Iechyd Lleol</i>)	“Local Health Board” means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c. 42)
Lord Chancellor (<i>Arglwydd Ganghellor</i>)	“Lord Chancellor” means the Lord High Chancellor of Great Britain
magistrates’ court (<i>llys ynadon</i>)	“magistrates’ court” means a magistrates’ court, within the meaning given by section 148 of the Magistrates’ Courts Act 1980 (c. 43) , in England and Wales
member State (<i>Aelod-wladwriaeth</i>)	“member State” means a State which is a member of the European Union
Minister of the Crown (<i>Gweinidog y Goron</i>)	“Minister of the Crown” means the holder of an office in Her Majesty’s Government in the United Kingdom, and includes the Treasury
month (<i>mis</i>)	“month” means a calendar month
National Assembly for Wales (<i>Cynulliad Cenedlaethol Cymru</i>)	“National Assembly for Wales” means the Assembly for Wales established by section 1 of the Government of Wales Act 2006 (c. 32)
National Assembly for Wales Commission (<i>Comisiwn Cynulliad Cenedlaethol Cymru</i>)	“National Assembly for Wales Commission” means the Commission established by section 27 of the Government of Wales Act 2006 (c. 32)

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Natural Resources Wales (<i>Cyfoeth Naturiol Cymru</i>)	“Natural Resources Wales” means the Natural Resources Body for Wales, established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903 (W. 230))
oath (<i>llw</i>), affidavit (<i>affidafid</i>), and swear (<i>tyngu llw</i>)	“oath” and “affidavit” include affirmation and declaration; and “swear” includes affirm and declare
offence triable either way (<i>trosedd neillffordd</i>)	“offence triable either way” means an offence which, if committed by an adult, is triable either on indictment or summarily— (a) not including an offence which may be tried on indictment by virtue only of section 40 of the Criminal Justice Act 1988 (c. 33) , and (b) ignoring section 22 of the Magistrates’ Courts Act 1980 (c. 43) (which requires certain offences triable either way to be tried summarily if the value involved is small)
person (<i>person</i>)	“person” includes a body of persons corporate or unincorporated
the Privy Council (<i>y Cyfrin Gyngor</i>)	“the Privy Council” means the Lords and others of Her Majesty’s Most Honourable Privy Council
retained direct EU legislation (<i>deddfwriaeth uniongyrchol UE a ddargedwir</i>)	“retained direct EU legislation” has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018 (c. 16)
retained direct minor EU legislation (<i>mân ddeddfwriaeth uniongyrchol UE a ddargedwir</i>) and	“retained direct minor EU legislation” and “retained direct principal EU legislation” have the meanings given by section 7(6) of the European Union (Withdrawal) Act 2018 (c. 16)
retained direct principal EU legislation (<i>prif ddeddfwriaeth uniongyrchol UE a ddargedwir</i>)	
retained EU law (<i>cyfraith UE a ddargedwir</i>)	“retained EU law” has the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018 (c. 16)
retained EU obligation (<i>rhwymedigaeth UE a ddargedwir</i>)	“retained EU obligation” means an obligation that— (a) was created or arose by or under the EU Treaties before exit day, and (b) forms part of retained EU law, as modified from time to time
rules of court (<i>rheolau lllys</i>)	“rules of court”, in relation to any court, means rules made by the authority having

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	power to make rules or orders regulating the practice and procedure of that court
Secretary of State (<i>Ysgrifennydd Gwladol</i>)	“Secretary of State” means one of Her Majesty’s Principal Secretaries of State
Senior Courts (<i>Uwchlysoedd</i>)	“Senior Courts” means the Senior Courts of England and Wales (see section 1 of the Senior Courts Act 1981 (c. 54))
standard scale (<i>graddfa safonol</i>)	“standard scale”, in relation to a fine or penalty for a summary offence, has the meaning given by section 37 of the Criminal Justice Act 1982 (c. 48)
statutory declaration (<i>datganiad statudol</i>)	“statutory declaration” means a declaration made by virtue of the Statutory Declarations Act 1835 (c. 62)
subordinate legislation (<i>is-ddeddfwriaeth</i>)	“subordinate legislation” means regulations, orders, rules, Orders in Council, schemes, warrants, byelaws and other instruments made under— (a) an Assembly Act, (b) an Assembly Measure, (c) an Act of the Parliament of the United Kingdom, or (d) retained direct EU legislation
summary offence (<i>trosedd ddiannod</i>)	“summary offence” means an offence which, if committed by an adult, is triable only summarily— (a) not including an offence which is treated as if it were triable only summarily by virtue of section 22 of the Magistrates’ Courts Act 1980 (c. 43) , and (b) ignoring section 40 of the Criminal Justice Act 1988 (c. 33) (which provides for cases in which a count charging a person with a summary offence may be included in an indictment)
Supreme Court (<i>Goruchaf Lys</i>)	“Supreme Court” means the Supreme Court of the United Kingdom, established by section 23 of the Constitutional Reform Act 2005 (c. 4)
the Treasury (<i>y Trysorlys</i>)	“the Treasury” means the Commissioners of Her Majesty’s Treasury
the Treaties (<i>y Cytuniadau</i>) or the EU Treaties (<i>Cytuniadau’r UE</i>)	“the Treaties” or “the EU Treaties”— (a) in relation to a time before exit day, has the meaning given by the European Communities Act 1972 (c. 68) (see

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	<p>section 1(2) to (4) of, and Part 1 of Schedule 1 to, that Act);</p> <p>(b) in relation to a time on or after exit day, has the meaning given by that Act as it had effect immediately before its repeal by section 1 of the European Union (Withdrawal) Act 2018 (c. 16), and refers to the Treaties or the EU Treaties as they were immediately before exit day</p>
United Kingdom (<i>y Deyrnas Unedig</i>)	“United Kingdom” means Great Britain and Northern Ireland
Wales (<i>Cymru</i>)	<p>“Wales” means—</p> <p>(a) the combined area of the counties and county boroughs in Wales (see Parts 1 and 2 of Schedule 4 to the Local Government Act 1972 (c. 70)), together with</p> <p>(b) the sea adjacent to Wales within the seaward limits of the territorial sea, and the question of which parts of the sea are adjacent to Wales is to be determined in accordance with article 6 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)</p>
Welsh Government (<i>Llywodraeth Cymru</i>)	“Welsh Government” is to be interpreted in accordance with section 45(1) of the Government of Wales Act 2006 (c. 32)
the Welsh Ministers (<i>Gweinidogion Cymru</i>)	“the Welsh Ministers” is to be interpreted in accordance with section 45(2) of the Government of Wales Act 2006 (c. 32) (which provides that references to the Welsh Ministers are to the First Minister and the Welsh Ministers appointed under section 48 of that Act)
Welsh Revenue Authority (<i>Awdurdod Cyllid Cymru</i>)	“Welsh Revenue Authority” means the authority established by section 2 of the Tax Collection and Management (Wales) Act 2016 (anaw 6)
Welsh tribunal (<i>tribiwnlys Cymreig</i>)	“Welsh tribunal” has the meaning given by section 59(1) of the Wales Act 2017 (c. 4)
working day (<i>diwrnod gwaith</i>)	“working day” means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 (c. 80)
writing (<i>ysgrifennu</i>)	“writing” includes typing, printing, lithography, photography and other modes

of representing or reproducing words in a visible form

SCHEDULE 2

(Introduced by section 41)

CONSEQUENTIAL AMENDMENTS AND REPEALS

Interpretation Act 1978 (c. 30)

- 1 For section 23B of the Interpretation Act 1978 (application of Act to Measures and Acts of the National Assembly for Wales etc.) substitute—

“23B Application of this Act to Welsh legislation

- (1) The provisions of this Act, except sections 1 to 3, apply to the following as they apply to an Act—
- (a) a Measure of the National Assembly for Wales, and
 - (b) an Act of the National Assembly for Wales, other than the Legislation (Wales) Act 2019, which receives Royal Assent before the day on which Part 2 of that Act (interpretation and operation of Welsh legislation) comes fully into force.
- (2) The provisions of this Act apply to an instrument—
- (a) made under a Measure or Act of the National Assembly for Wales, and
 - (b) made before the day on which Part 2 of the Legislation (Wales) Act 2019 comes fully into force,
- as they apply to other subordinate legislation.
- (3) The provisions of this Act apply to an instrument made under an Act of Parliament or retained direct EU legislation, and made by the Welsh Ministers or any other devolved Welsh authority, only if—
- (a) the instrument is made before the day on which Part 2 of the Legislation (Wales) Act 2019 comes fully into force,
 - (b) the instrument is made (at any time) with any other person who is not a devolved Welsh authority, or
 - (c) the instrument contains any provision that applies otherwise than in relation to Wales.
- (4) Nothing in subsection (2) or (3) limits the operation of sections 12 to 14A in relation to a power or duty to make an instrument to which Part 2 of the Legislation (Wales) Act 2019 applies, but section 11 does not apply in relation to such an instrument.
- (5) In the application of this Act to a Measure or Act of the National Assembly for Wales, references to the passing of an Act or an enactment are to be read as references to the enactment of the Measure or Act.
- (6) In this section, “devolved Welsh authority” and “Wales” have the same meanings as in the Government of Wales Act 2006 (see sections 157A and 158 of that Act).

23C Interpretation of this Act in relation to Welsh legislation

- (1) In this Act, references to an enactment include an enactment comprised in—
- (a) a Measure of the National Assembly for Wales,
 - (b) an Act of the National Assembly for Wales (whenever the Act receives Royal Assent),
 - (c) an instrument made under such an Act or Measure (whenever the instrument is made), or
 - (d) an instrument made under an Act of Parliament or retained direct EU legislation, and made by the Welsh Ministers or any other devolved Welsh authority (whenever the instrument is made, and whether or not it is made with any other person),
- but the reference in section 16(2) to a temporary enactment does not include an enactment comprised in legislation to which Part 2 of the Legislation (Wales) Act 2019 applies (see section 3(1) of that Act).
- (2) In section 17(2)(b), the reference to subordinate legislation includes an instrument to which Part 2 of the Legislation (Wales) Act 2019 applies.
- (3) In section 18, the reference to an act or omission which constitutes an offence under two or more Acts includes an act or omission which constitutes an offence under—
- (a) any legislation to which that section applies, and
 - (b) any legislation to which Part 2 of the Legislation (Wales) Act 2019 applies,
- and the reference to “those Acts” is to be read accordingly.
- (4) In section 19(1), references to “another Act” include—
- (a) a Measure of the National Assembly for Wales, and
 - (b) an Act of the National Assembly for Wales (whenever the Act receives Royal Assent),
- and the reference in paragraph (c) to “Acts” is to be read accordingly.”

Government of Wales Act 2006 (c. 32)

- 2 (1) The Government of Wales Act 2006 is amended as follows.
- (2) In section 156 (English and Welsh texts of legislation)—
- (a) after subsection (1) insert—

“(1A) Subsection (1) does not apply to any legislation to which Part 2 of the Legislation (Wales) Act 2019 applies (but section 5 of that Act makes corresponding provision in relation to legislation to which that Part applies).”;
 - (b) omit subsections (2) to (5).
- (3) In Schedule 7B, in paragraph 7(2)(e), omit sub-paragraph (ii).
- (4) In Schedule 10, omit paragraph 11.

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Waste (Wales) Measure 2010 (nawm 8)

- 3 (1) The Waste (Wales) Measure 2010 is amended as follows.
- (2) In section 19, omit subsections (3) and (4).
- (3) In section 20, omit subsections (4) and (5).