



# Legislation (Wales) Act 2019

2019 anaw 4

## PART 2

### INTERPRETATION AND OPERATION OF WELSH LEGISLATION

#### *Powers and duties*

#### **16 Exercise of a power or duty that is not in force**

- (1) This section applies where a power or duty is conferred or imposed—
  - (a) by a provision in an [<sup>F1</sup>Act of Senedd Cymru] which comes into force—
    - (i) other than by order or regulations, and
    - (ii) more than one day after the day on which the Act receives Royal Assent, or
  - (b) by a provision in a Welsh subordinate instrument which does not come into force immediately on the instrument being made.
- (2) The power or duty may be exercised (and any instrument made under the power or duty may come into force) during the period—
  - (a) beginning when the <sup>F2</sup>... Act receives Royal Assent or the <sup>F3</sup>... instrument is made, and
  - (b) ending when the provision conferring the power or imposing the duty comes into force.
- (3) But during that period the power or duty may be exercised only so far as is necessary or expedient for the purpose of giving full effect to—
  - (a) the <sup>F4</sup>... Act or <sup>F5</sup>... instrument conferring or imposing the power or duty, or
  - (b) a provision in that Act or instrument,at or after the time when the Act, instrument or provision comes into force.
- (4) Where a provision in an [<sup>F1</sup>Act of Senedd Cymru] or a Welsh subordinate instrument which is not in force—

*Changes to legislation: There are currently no known outstanding effects for the Legislation (Wales) Act 2019, Section 16. (See end of Document for details)*

- (a) is incidental or supplementary to a power or duty exercised in accordance with this section, and
- (b) comes into force other than by order or regulations,
- that provision is to be treated as being in force so far as is necessary for the exercise of the power or duty in accordance with this section.
- (5) The exercise of a power or duty in accordance with this section is subject to any conditions or limitations imposed by the <sup>F6</sup>... Act or <sup>F7</sup>... instrument conferring or imposing the power or duty (whether or not the provision imposing the condition or limitation is in force).

#### Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(8\)](#)
- F2** Word in s. 16(2)(a) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(3\)\(a\)\(4\)\(b\)](#)
- F3** Words in s. 16(2)(a) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(3\)\(a\)\(4\)\(b\)](#)
- F4** Word in s. 16(3)(a) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(3\)\(a\)\(4\)\(b\)](#)
- F5** Words in s. 16(3)(a) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(3\)\(b\)\(4\)\(b\)](#)
- F6** Word in s. 16(5) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(3\)\(a\)\(4\)\(b\)](#)
- F7** Words in s. 16(5) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(3\)\(a\)\(4\)\(b\)](#)

#### Commencement Information

- I1** S. 16 in force for specified purposes at 11.9.2019, see s. 44(1)(c)
- I2** S. 16 in force at 1.1.2020 in so far as not already in force by [S.I. 2019/1333](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Legislation (Wales) Act 2019, Section 16.