



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) [^{F1}Acts of Senedd Cymru] and Assembly Measures;
 - (b) subordinate legislation made under [^{F1}Acts of Senedd Cymru] 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).

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\(9\)](#)

Status: Point in time view as at 01/01/2024.

Changes to legislation: There are currently no known outstanding effects for the Legislation (Wales) Act 2019, PART 3. (See end of Document for details)

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.
- (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 [F2assimilated direct] legislation, and
 - (b) applies otherwise than in relation to Wales.

Textual Amendments

- F2** Words in s. 39(4)(a) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), s. 22(3), [Sch. 2 para. 9\(4\)\(b\)](#) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

40 Combining subordinate legislation subject to different [F3Senedd] procedures

- (1) Where the Welsh Ministers make, or propose to make, a statutory instrument that would otherwise be subject to two or more different [F4Senedd] procedures as a result of the subordinate legislation that it contains, whichever of those [F4Senedd] procedures is mentioned first in subsection (2) applies to the instrument (and none of the other [F4Senedd] procedures apply).
- (2) In this section, “[F5Senedd] 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, [F6Senedd Cymru],
 - (b) a statutory instrument must be laid before [F7Senedd Cymru] after being made and must be approved by resolution of [F7Senedd Cymru] 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 [F8Senedd Cymru],
 - (d) a statutory instrument must be laid before [F9Senedd Cymru] after being made, or
 - (e) a statutory instrument is not required to be laid before [F10Senedd Cymru] 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 [F11Senedd] procedure that applies to such an instrument.

Status: Point in time view as at 01/01/2024.

Changes to legislation: There are currently no known outstanding effects for the Legislation (Wales) Act 2019, PART 3. (See end of Document for details)

- (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 [^{F12}assimilated direct] legislation, and
 - (b) applies otherwise than in relation to Wales.

Textual Amendments

- F3** Word in s. 40 heading substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(a\)](#)
- F4** Word in s. 40(1) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(a\)](#)
- F5** Word in s. 40(2) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(b\)\(i\)](#)
- F6** Words in s. 40(2)(a) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(b\)\(ii\)](#)
- F7** Words in s. 40(2)(b) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(b\)\(iii\)](#)
- F8** Words in s. 40(2)(c) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(b\)\(iv\)](#)
- F9** Words in s. 40(2)(d) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(b\)\(iv\)](#)
- F10** Words in s. 40(2)(e) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(b\)\(iv\)](#)
- F11** Word in s. 40(3)(b) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(c\)](#)
- F12** Words in s. 40(4)(a) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(3), [Sch. 2 para. 9\(5\)\(b\)](#) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

[^{F13}40A Application of this Part in relation to the Welsh zone

In relation to subordinate legislation that relates to fishing, fisheries or fish health, references in this Part to Wales include the area of the Welsh zone beyond the seaward limits of the territorial sea.]

Textual Amendments

- F13** S. 40A inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), [ss. 46\(7\)\(a\)](#), 54(2) (with [Sch. 4 para. 31](#))

Status:

Point in time view as at 01/01/2024.

Changes to legislation:

There are currently no known outstanding effects for the Legislation (Wales) Act 2019, PART 3.