



# Government of Wales Act 2006

## 2006 CHAPTER 32

### PART 2

#### <sup>F1</sup>WELSH ... GOVERNMENT

##### Textual Amendments

**F1** Words in Act omitted (17.2.2015) by virtue of [Wales Act 2014 \(c. 29\), s. 4\(2\)\(a\)](#) (with s. 4(3))

#### *Government*

#### 45 Welsh <sup>F1</sup>... Government

- (1) There is to be a Welsh <sup>F1</sup>... Government, or Llywodraeth <sup>F2</sup>... Cymru, whose members are—
- the First Minister or Prif Weinidog (see sections 46 and 47),
  - the Welsh Ministers, or Gweinidogion Cymru, appointed under section 48,
  - the Counsel General to the Welsh <sup>F1</sup>... Government or Cwnsler Cyffredinol i Lywodraeth <sup>F2</sup>... Cymru (see section 49) (referred to in this Act as “the Counsel General”), and
  - the Deputy Welsh Ministers or Dirprwy Weinidogion Cymru (see section 50).
- (2) In this Act and in any other enactment or instrument the First Minister and the Welsh Ministers appointed under section 48 are referred to collectively as the Welsh Ministers.

##### Textual Amendments

**F2** Words in s. 45(1) omitted (17.2.2015) by virtue of [Wales Act 2014 \(c. 29\), ss. 4\(2\)\(b\), 29\(2\)\(a\)](#) (with s. 4(3))

*Status: Point in time view as at 04/07/2018.*

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#### Commencement Information

**II** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

*Ministers, staff etc.*

#### 46 The First Minister

- (1) The First Minister is to be appointed by Her Majesty after nomination in accordance with section 47.
- (2) The First Minister holds office at Her Majesty's pleasure.
- (3) The First Minister may at any time tender resignation to Her Majesty and ceases to hold office as First Minister when it is accepted.
- (4) A person ceases to hold office as the First Minister if another person is appointed to that office.
- (5) The functions of the First Minister are exercisable by a person designated by the Presiding Officer if—
  - (a) the office of the First Minister is vacant,
  - (b) the First Minister is for any reason unable to act, or
  - (c) the First Minister has ceased to be an Assembly member<sup>F3</sup> otherwise than by reason of a dissolution].
- (6) A person may not be designated to exercise the functions of the First Minister unless the person is—
  - (a) an Assembly member, or
  - (b) if the Assembly has been dissolved, a person who ceased to be an Assembly member by reason of the dissolution.
- (7) A person may be designated to exercise the functions of the First Minister only on the recommendation of the Welsh Ministers (unless there is no-one holding office as a Welsh Minister appointed under section 48).
- (8) If a person is designated to exercise the functions of the First Minister, the designation continues to have effect even if the Assembly is dissolved.

#### Textual Amendments

**F3** Words in s. 46(5)(c) inserted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), **ss. 5, 29(2)(a)**

#### Commencement Information

**I2** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

#### 47 Choice of First Minister

- (1) If one of the following events occurs, the Assembly must, before the end of the relevant period, nominate an Assembly member for appointment as First Minister.
- (2) The events are—
  - (a) the holding of a poll at a general election,

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- (b) the Assembly resolving that the Welsh Ministers no longer enjoy the confidence of the Assembly,
  - (c) the First Minister tendering resignation to Her Majesty,
  - (d) the First Minister dying or becoming permanently unable to act and to tender resignation, and
  - (e) the First Minister ceasing to be an Assembly member otherwise than by reason of a dissolution.
- (3) The relevant period is the period of 28 days beginning with the day on which the event occurs; but—
- (a) if another of those events occurs within that period, the relevant period is (subject to paragraph (b)) extended to end with the period of 28 days beginning with the day on which that other event occurs, and
  - (b) the relevant period ends if the Assembly passes a resolution under section 5(2) (a) or when Her Majesty appoints a person as the First Minister.
- (4) The Presiding Officer must recommend to Her Majesty the appointment of the person nominated by the Assembly under subsection (1).

#### **Commencement Information**

**I3** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### **48 Welsh Ministers**

- (1) The First Minister may, with the approval of Her Majesty, appoint Welsh Ministers from among the Assembly members.
- (2) A Welsh Minister appointed under this section holds office at Her Majesty's pleasure.
- (3) A Welsh Minister appointed under this section may be removed from office by the First Minister.
- (4) A Welsh Minister appointed under this section may at any time resign.
- (5) A Welsh Minister appointed under this section must resign if the Assembly resolves that the Welsh Ministers no longer enjoy the confidence of the Assembly.
- (6) A Welsh Minister appointed under this section who resigns ceases to hold office immediately.
- (7) A Welsh Minister appointed under this section ceases to hold office on ceasing to be an Assembly member otherwise than by reason of a dissolution.

#### **Commencement Information**

**I4** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### **49 Counsel General**

- (1) The Counsel General is to be appointed by Her Majesty on the recommendation of the First Minister.

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- (2) The Counsel General may be removed from office by Her Majesty on the recommendation of the First Minister.
- (3) No recommendation for the appointment or removal of a person as the Counsel General may be made by the First Minister without the agreement of the Assembly.
- (4) The Counsel General may at any time tender resignation to Her Majesty and ceases to hold office as Counsel General when it is accepted.
- (5) The Counsel General ceases to hold office if an Assembly member is nominated under section 47(1) for appointment as First Minister.
- (6) The functions of the Counsel General are exercisable by a person designated by the First Minister if—
  - (a) the office of the Counsel General is vacant, or
  - (b) the Counsel General is for any reason unable to act.
- (7) But subsection (6) ceases to have effect at the end of the period of six months beginning with the day on which a person is designated under it and does not have effect again until after the office of the Counsel General has been filled, or the Counsel General has again become able to act.
- (8) The designation of a person under subsection (6) ceases to have effect if an Assembly member is nominated under section 47(1) for appointment as First Minister.
- (9) A person holding office as the First Minister, a Welsh Minister appointed under section 48 or a Deputy Welsh Minister may not be appointed as the Counsel General or designated under subsection (6); and the Counsel General or a person so designated may not be appointed to any of those offices.

#### **Commencement Information**

**I5** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## **50 Deputy Welsh Ministers**

- (1) The First Minister may, with the approval of Her Majesty, appoint Deputy Welsh Ministers from among the Assembly members to assist the First Minister, a Welsh Minister appointed under section 48 or the Counsel General in the exercise of functions.
- (2) A Deputy Welsh Minister holds office at Her Majesty's pleasure.
- (3) A Deputy Welsh Minister may be removed from office by the First Minister.
- (4) A Deputy Welsh Minister may at any time resign.
- (5) A Deputy Welsh Minister must resign if the Assembly resolves that the Welsh Ministers no longer enjoy the confidence of the Assembly.
- (6) A Deputy Welsh Minister who resigns ceases to hold office immediately.
- (7) A Deputy Welsh Minister ceases to hold office on ceasing to be an Assembly member otherwise than by reason of a dissolution.

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#### Commencement Information

**I6** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### 51 Limit on number of Ministers

- (1) No more than twelve persons are to hold a relevant Welsh Ministerial office at any time.
- (2) A relevant Welsh Ministerial office means the office of Welsh Minister appointed under section 48 or the office of Deputy Welsh Minister.

#### Commencement Information

**I7** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### 52 Staff

- (1) The Welsh Ministers may appoint persons to be members of the staff of the Welsh<sup>F1</sup>... Government.
- (2) Service as a member of the staff of the Welsh<sup>F1</sup>... Government is service in the [<sup>F4</sup>civil service of the State].
- [<sup>F5</sup>(3) See Part 1 of the Constitutional Reform and Governance Act 2010 (in particular, sections 3 and 4) for provision affecting—
  - (a) subsection (1), and
  - (b) any other enactment about the appointment of persons as members of the staff of the Welsh<sup>F1</sup>... Government.]
- [<sup>F6</sup>(4) See also section 1 of the Civil Service (Management Functions) Act 1992 under which functions conferred on the Minister for the Civil Service by section 3 of the Constitutional Reform and Governance Act 2010 may be delegated to the Welsh Ministers etc.]
- (5) The Welsh Ministers are to pay the salaries and expenses of the members of the staff of the Welsh<sup>F1</sup>... Government.
- (6) Section 1(2) and (3) of the Superannuation Act 1972 (c. 11) (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another Minister etc. and consultation by that Minister or another Minister) have effect as if the references to a Minister of the Crown other than the Minister for the Civil Service included the Welsh Ministers.
- (7) The Welsh Ministers must make payments to the Minister for the Civil Service, at such times as the Minister for the Civil Service may determine, of such amounts as may be so determined in respect of—
  - (a) the provision of pensions, allowances or gratuities by virtue of section 1 of the Superannuation Act 1972 to or in respect of persons who are or have been members of the staff of the Welsh<sup>F1</sup>... Government, and
  - (b) the expenses incurred in administering those pensions, allowances and gratuities.

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- (8) The Welsh Ministers may make payments towards the provision of pensions, allowances or gratuities to or in respect of any person who is or has been a member of the staff of the Welsh <sup>F1</sup>... Government.
- (9) Without prejudice to any rule of law with respect to the carrying out of functions by members of the [<sup>F4</sup>civil service of the State ] under authority, the Welsh Ministers, the First Minister or the Counsel General may authorise the staff of the Welsh <sup>F1</sup>... Government to carry out any function on their behalf.
- (10) <sup>F7</sup> .....

#### Textual Amendments

- F4** Words in s. 52(2)(9) substituted (11.11.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\), ss. 19, 52\(2\), Sch. 2 para. 15\(2\)](#); S.I. 2010/2703, [art. 2\(a\)](#)
- F5** S. 52(3) substituted (11.11.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\), ss. 19, 52\(2\), Sch. 2 para. 15\(3\)](#); S.I. 2010/2703, [art. 2\(a\)](#)
- F6** S. 52(4) substituted (11.11.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\), ss. 19, 52\(2\), Sch. 2 para. 15\(4\)](#); S.I. 2010/2703, [art. 2\(a\)](#)
- F7** S. 52(10) omitted (11.11.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\), ss. 19, 52\(2\), Sch. 2 para. 15\(5\)](#); S.I. 2010/2703, [art. 2\(a\)](#)

#### Commencement Information

- I8** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

*Remuneration, oaths etc.*

## 53 Remuneration

- (1) [<sup>F8</sup>Provision must be made] for the payment of salaries to persons to whom this section applies.
- (2) [<sup>F9</sup>Provision may be made] for the payment of allowances to persons to whom this section applies.
- (3) [<sup>F10</sup>Provision may be made] for the payment of pensions, gratuities or allowances to, or in respect of, any person who has ceased to be a person to whom this section applies.
- (4) Such provision may, in particular, include provision for—
- contributions or payments towards provision for such pensions, gratuities or allowances, and
  - the establishment and administration (whether by the Assembly Commission or otherwise) of one or more pension schemes.
- (5) This section applies to—
- the First Minister,
  - every Welsh Minister appointed under section 48,
  - the Counsel General, and
  - every Deputy Welsh Minister.
- (6) Sums required for the making of payments by virtue of provision under this section are payable out of the Welsh Consolidated Fund.

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[<sup>F11</sup>(7) Provision under this section is to be made by determination made by the Board.]

[<sup>F12</sup>(8) The Assembly Commission must give effect to any determination made by the Board under this section.]

#### Textual Amendments

- F8** Words in s. 53(1) substituted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 12 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F9** Words in s. 53(2) substituted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 13 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F10** Words in s. 53(3) substituted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 14 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F11** S. 53(7) substituted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 15 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F12** S. 53(8) inserted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 16 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)

#### Commencement Information

- I9** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 54 Remuneration: supplementary

- (1) Different provision may be made under section 53 for different cases.
- (2) [<sup>F13</sup>The Assembly Commission] must ensure that information concerning—
- the amounts paid to each person to whom section 53 applies as salary and allowances, and
  - the total amount paid to such persons as salaries and allowances, is published for each financial year <sup>F14</sup> . . .
- [<sup>F15</sup>(3) The Assembly Commission must lay before the Assembly every determination made by the Board under section 53(7) as soon as is reasonably practicable after it is made.]
- (4) Provision made under section 53(3) does not affect pensions or allowances in payment before the provision was made.

#### Textual Amendments

- F13** Words in s. 54(2) substituted (24.9.2010) by virtue of National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 17 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)

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- F14** Words in s. 54(2) omitted (24.9.2010) by virtue of National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 17 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F15** S. 54(3) substituted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 18 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)

#### Commencement Information

- I10** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 55 Oath or affirmation

- (1) On appointment as the First Minister, a Welsh Minister appointed under section 48 or the Counsel General a person must take the official oath in the form set out in section 3 of the Promissory Oaths Act 1868 (c. 72) (or make the corresponding affirmation).
- (2) On appointment as the First Minister, a Welsh Minister appointed under section 48, the Counsel General or a Deputy Welsh Minister a person must take the oath of allegiance in the form set out in section 2 of the Promissory Oaths Act 1868 (or make the corresponding affirmation).
- (3) But subsection (2) does not require a person who is an Assembly member to take the oath of allegiance (or make the corresponding affirmation) again if it has been taken (or made) in compliance with the person's duty on the person's return (or, if returned more than once, most recent return) as an Assembly member.
- (4) An oath required by this section is to be taken (or the corresponding affirmation made)
  - (a) before one of the Presiding Judges for the Wales and Chester Circuit (or for any appropriate area which is specified in a direction under section 72(4) of the Courts and Legal Services Act 1990 (c. 41)), or
  - (b) (if no such Presiding Judge is available) before another judge nominated by the Senior Presiding Judge for England and Wales.
- (5) Until a person who is required to take an oath (or make an affirmation) by this section in respect of any office has done so, no salary, allowance, gratuity or payment towards the provision of a pension, allowance or gratuity is to be paid under this Act to or in respect of the person as a holder of that office.
- (6) But subsection (5) does not affect any entitlement to payments in respect of the period before the person took the oath (or made the affirmation) once the person has done so.

#### Commencement Information

- I11** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))



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## Functions

### 56 Introduction

- (1) The persons to whom this section applies have the functions conferred or imposed on them by or by virtue of this Act or any other enactment or prerogative instrument.
- (2) This section applies to the Welsh Ministers, the First Minister and the Counsel General.

#### Commencement Information

**I12** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### 57 Exercise of functions

- (1) Functions may be conferred or imposed on the Welsh Ministers by that name.
- (2) Functions of the Welsh Ministers, the First Minister and the Counsel General are exercisable on behalf of Her Majesty.
- (3) Functions of the Welsh Ministers are exercisable by the First Minister or any of the Welsh Ministers appointed under section 48.
- (4) Any act or omission of, or in relation to, the First Minister or any of the Welsh Ministers appointed under section 48 is to be treated as an act or omission of, or in relation to, each of them.
- (5) But subsection (4) does not apply in relation to the exercise of functions conferred or imposed on the First Minister alone.
- (6) Where a function conferred or imposed on the Counsel General is (either generally or in particular circumstances) exercisable concurrently by the Welsh Ministers or the First Minister, subsection (4) applies in relation to the exercise of the function (or to its exercise in those circumstances) as if the Counsel General were included among the Welsh Ministers.

#### Commencement Information

**I13** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### 58 Transfer of Ministerial functions

- (1) Her Majesty may by Order in Council—
  - (a) provide for the transfer to the Welsh Ministers, the First Minister or the Counsel General of any function so far as exercisable by a Minister of the Crown in relation to Wales [<sup>F16</sup>or the Welsh zone],
  - (b) direct that any function so far as so exercisable is to be exercisable by the Welsh Ministers, the First Minister or the Counsel General [<sup>F17</sup>—
    - (i) concurrently or jointly with a Minister of the Crown, or
    - (ii) only with the agreement of, or after consultation with, a Minister of the Crown,] or

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- (c) direct that any function so far as exercisable by a Minister of the Crown in relation to Wales [<sup>F18</sup>or the Welsh zone] is to be exercisable by the Minister of the Crown only with the agreement of, or after consultation with, the Welsh Ministers, the First Minister or the Counsel General.
- [<sup>F19</sup>(1A) An Order in Council under this section may not make provision about a function of a Minister of the Crown exercisable in relation to the area of the Welsh zone beyond the seaward limit of the territorial sea unless the function is connected with fishing, fisheries or fish health.
- (1B) Subsection (1A) does not have effect in relation to an Order in Council to the extent that it contains provision made by virtue of paragraph 4 of Schedule 3 (functions exercisable beyond the territorial sea).]
- (2) An Order in Council under this section may, in particular, provide for any function exercisable by the Welsh Ministers, the First Minister or the Counsel General by virtue of an Order in Council under subsection (1)(a) or (b) to be exercisable either generally or in such circumstances as may be specified in the Order in Council, concurrently with any other of the Welsh Ministers, the First Minister or the Counsel General.
- [<sup>F20</sup>(2A) Her Majesty may by Order in Council—
- (a) make provision modifying (by reference to geographical extent or otherwise) a previously conferred or transferred water-related function;
- (b) provide for such a function to be exercisable—
- (i) concurrently or jointly with a Minister of the Crown or the Welsh Ministers, or
- (ii) only with the agreement of, or after consultation with, a Minister of the Crown or the Welsh Ministers.
- (2B) In subsection (2A)—
- "previously conferred or transferred function" means a function exercisable by—
- (a) the Welsh Ministers, the First Minister or the Counsel General,
- (b) a Minister of the Crown, or
- (c) any authority or other body,
- by virtue of provision contained in or made under this Act or any other enactment;
- "water-related function" means a function exercisable in relation to water supply, water quality, water resources management, control of pollution of water resources, sewerage, rivers and other watercourses, land drainage, flood risk management or coastal protection.]
- (3) An Order in Council under this section may make such modifications of—
- (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or
- (b) any other instrument or document,
- as Her Majesty considers appropriate in connection with the provision made by the Order in Council.
- (4) No recommendation is to be made to Her Majesty in Council to make an Order in Council under this section unless a draft of the statutory instrument containing the Order in Council—

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- (a) has been laid before, and approved by a resolution of, each House of Parliament, and
  - (b) has been approved by the Welsh Ministers.
- (5) For further provision in connection with the transfer etc. of functions by Orders in Council under this section see Schedule 3.

#### Textual Amendments

- F16** Words in s. 58(1)(a) inserted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 43, 324, [Sch. 4 Pt. 2 para. 6\(3\)\(a\)](#); S.I. 2009/3345, [art. 2](#), Sch. para. 7
- F17** Words in s. 58(1)(b) substituted (8.1.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 21\(1\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); S.I. 2017/893, [reg. 2](#)
- F18** Words in s. 58(1)(c) inserted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 43, 324, [Sch. 4 Pt. 2 para. 6\(3\)\(b\)](#); S.I. 2009/3345, [art. 2](#), Sch. para. 7
- F19** S. 58(1A)(1B) inserted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 43, 324, [Sch. 4 Pt. 2 para. 6\(3\)\(c\)](#); S.I. 2009/3345, [art. 2](#), Sch. para. 7
- F20** S. 58(2A)(2B) inserted (8.1.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 49](#), 71(4) (with [Sch. 7 paras. 1, 6, 7](#)); S.I. 2017/893, [reg. 2](#)

#### Commencement Information

- I14** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### [<sup>F21</sup>58A Executive ministerial functions

- (1) Executive ministerial functions, so far as exercisable within devolved competence, are exercisable by the Welsh Ministers.
- (2) Executive ministerial functions that are ancillary to a function of the Welsh Ministers exercised outside devolved competence are also exercisable by the Welsh Ministers.
- (3) Functions exercisable by the Welsh Ministers under subsection (1) or (2) are not exercisable by a Minister of the Crown unless they are functions to which subsection (4) applies.

If they are functions to which subsection (4) applies, they are exercisable by the Welsh Ministers concurrently with any relevant Minister of the Crown.

- (4) This subsection applies to—
  - (a) functions ancillary to a function of the Welsh Ministers that is exercisable concurrently or jointly with a Minister of the Crown;
  - (b) functions ancillary to a function of a Minister of the Crown;
  - (c) functions that are not ancillary to another function;
  - (d) functions in relation to observing and implementing obligations under EU law.

- (5) In this section—

““executive ministerial function”” means a function of Her Majesty of a kind that is exercisable on Her behalf by a Minister of the Crown (including a function involving expenditure or other financial matters), but not a function conferred or imposed by or by virtue of any legislation or the prerogative;

*Status: Point in time view as at 04/07/2018.*

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““within devolved competence”” and ““outside devolved competence”” are to be read in accordance with subsections (7) and (8).

- (6) For the purposes of this section a function is ““ancillary to”” another function if or to the extent that it is exercisable with a view to facilitating, or in a way that is conducive or incidental to, the exercise of the other function.
- (7) It is outside devolved competence—
- (a) to make any provision by subordinate legislation that would be outside the legislative competence of the Assembly if it were included in an Act of the Assembly (see section 108A), or
  - (b) to confirm or approve any subordinate legislation containing such provision.
- (8) In the case of a function other than a function of making, confirming or approving subordinate legislation, it is outside devolved competence to exercise the function (or to exercise it in a particular way) if or to the extent that a provision of an Act of the Assembly conferring the function (or conferring it so as to be exercisable in that way) would be outside the legislative competence of the Assembly.]

#### Textual Amendments

**F21** S. 58A inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 19(1), 71(4)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(e\)](#)

#### [<sup>F22</sup>**58B** Implementation of EU law: general

- (1) Section 2(2) of the European Communities Act 1972 (secondary legislation implementing EU obligations, etc) applies to the Welsh Ministers as if they were a Minister of the Crown or government department designated by Order in Council under that provision.
- (2) But subsection (1) confers no power to make provision that would be outside the legislative competence of the Assembly if it were included in an Act of the Assembly (see section 108A).
- (3) In particular, it confers no power to make provision that may be included in an Act of the Assembly only—
  - (a) with the consent of the appropriate Minister (see paragraphs 8(1), 10(1) and 11(1) of Schedule 7B), or
  - (b) after consultation with the appropriate Minister (see paragraph 11(2) of that Schedule),
 unless that consent has been given or that consultation has been carried out.
- (4) Subsection (1) does not restrict any power conferred on a Minister of the Crown or government department by an Order in Council under section 2(2) of the European Communities Act 1972.
- (5) In section 2(4) of the European Communities Act 1972 as it has effect by virtue of subsection (1) above, the reference to an Act of Parliament is to be read as a reference to an Act of the Assembly.
- (6) A statutory instrument containing any order, rules, regulations or scheme made by virtue of this section, if made without a draft having been approved by resolution of

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the Assembly, is subject to annulment in pursuance of a resolution of the Assembly; and paragraph 2(2) of Schedule 2 to European Communities Act 1972 does not apply to such an instrument.

- (7) In this section ““appropriate Minister”” has the same meaning as in paragraph 8 of Schedule 7B.]

#### Textual Amendments

**F22** S. 58B inserted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 20\(1\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(e\)](#)

## 59 Implementation of <sup>F23</sup>EU law <sup>F24</sup>: designation of Welsh Ministers, etc]

- (1) The power to designate a Minister of the Crown or government department under section 2(2) of the European Communities Act 1972 (c. 68) may be exercised to designate the Welsh Ministers.
- (2) Accordingly, the Welsh Ministers may exercise the power conferred by section 2(2) of the European Communities Act 1972 in relation to any matter, or for any purpose, if they have been designated in relation to that matter or for that purpose, but subject to such restrictions or conditions (if any) as may be specified by the Order in Council designating them.

<sup>F25</sup>(2A) Any such restrictions or conditions do not apply in relation to the power that the Welsh Ministers have under that section by virtue of section 58B above.]

- (3) A statutory instrument containing provision made by the Welsh Ministers in the exercise of <sup>F26</sup> a power exercisable by virtue of a designation under section 2(2) of the European Communities Act 1972 ], if made without a draft having been approved by resolution of the Assembly, is subject to annulment in pursuance of a resolution of the Assembly.
- (4) Paragraph 2(2) of Schedule 2 to the European Communities Act 1972 (Parliamentary procedure) does not apply to the statutory instrument unless it contains provision—
- (a) made by a Minister of the Crown or government department (whether or not jointly with the Welsh Ministers),
  - (b) relating to an English border area, or
  - (c) relating to a cross-border body (and not relating only to the exercise of functions, or the carrying on of activities, by the body in or with respect to <sup>F27</sup>Wales, the Welsh zone or a part of Wales or the Welsh zone)].
- (5) The power conferred by section 56 of the Finance Act 1973 (c. 51) (services provided in pursuance of <sup>F23</sup>an EU obligation etc.) on the Minister in charge of a government department to make (with the consent of the Treasury) regulations prescribing, or providing for the determination of, fees and charges in respect of things done by the department may be exercised by the Welsh Ministers (with the consent of the Treasury) for prescribing, or providing for the determination of, fees and charges in respect of corresponding things done by the Welsh Ministers.
- (6) A statutory instrument containing regulations made by the Welsh Ministers in the exercise of that power is subject to annulment in pursuance of a resolution of the Assembly.

*Status: Point in time view as at 04/07/2018.*

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- (7) Section 56(4) of the Finance Act 1973 does not cause the statutory instrument to be subject to annulment in pursuance of a resolution of either House of Parliament unless it contains regulations—
- (a) made by a Minister of the Crown or government department (whether or not jointly with the Welsh Ministers),
  - (b) relating to an English border area, or
  - (c) relating to a cross-border body (and not relating only to the exercise of functions, or the carrying on of activities, by the body in or with respect to <sup>[F28]</sup>Wales, the Welsh zone or a part of Wales or the Welsh zone)].

#### Textual Amendments

- F23** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3-6
- F24** Words in s. 59 heading inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), ss. 20(2)(a), 71(4) (with Sch. 7 paras. 1, 6); [S.I. 2017/1179](#), reg. 3(e)
- F25** S. 59(2A) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), ss. 20(2)(b), 71(4) (with Sch. 7 paras. 1, 6); [S.I. 2017/1179](#), reg. 3(e)
- F26** Words in s. 59(3) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), ss. 20(2)(c), 71(4) (with Sch. 7 paras. 1, 6); [S.I. 2017/1179](#), reg. 3(e)
- F27** Words in s. 59(4)(c) substituted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 43, 324, [Sch. 4 Pt. 2 para. 6\(4\)\(a\)](#); [S.I. 2009/3345](#), art. 2, Sch. para. 7
- F28** Words in s. 59(7)(c) substituted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 43, 324, [Sch. 4 Pt. 2 para. 6\(4\)\(b\)](#); [S.I. 2009/3345](#), art. 2, Sch. para. 7

#### Modifications etc. (not altering text)

- C1** S. 59(3) modified (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 143(2)(b), 182(1)(c) (with s. 180)

#### Commencement Information

- I15** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### <sup>[F29]</sup>59A Shared powers

Schedule 3A, which sets out functions of Ministers of the Crown and others that are exercisable concurrently or jointly with the Welsh Ministers, has effect.]

#### Textual Amendments

- F29** S. 59A inserted (8.1.2018) by [Wales Act 2017 \(c. 4\)](#), ss. 21(3), 71(4) (with Sch. 7 paras. 1, 6); [S.I. 2017/893](#), reg. 2

### 60 Promotion etc. of well-being

- (1) The Welsh Ministers may do anything which they consider appropriate to achieve any one or more of the following objects—
- (a) the promotion or improvement of the economic well-being of Wales,

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- (b) the promotion or improvement of the social well-being of Wales, and
  - (c) the promotion or improvement of the environmental well-being of Wales.
- (2) The power under subsection (1) may be exercised in relation to or for the benefit of—
- (a) the whole or any part of Wales, or
  - (b) all or any persons resident or present in Wales.
- (3) The power under subsection (1) includes power to do anything in relation to or for the benefit of any area outside Wales, or all or any persons resident or present anywhere outside Wales, if the Welsh Ministers consider that it is likely to achieve one or more of the objects in that subsection.
- (4) The power under subsection (1) includes power—
- (a) to enter into arrangements or agreements with any person,
  - (b) to co-operate with, or facilitate or co-ordinate the activities of, any person,
  - (c) to exercise on behalf of any person any functions of that person, and
  - (d) to provide staff, goods, services or accommodation to any person.

**Commencement Information**

**I16** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

**61 Support of culture etc.**

The Welsh Ministers may do anything which they consider appropriate to support—

- (a) archaeological remains in Wales,
- (b) ancient monuments in Wales,
- (c) buildings and places of historical or architectural interest in Wales,
- (d) historic wrecks in Wales,
- (e) arts and crafts relating to Wales,
- (f) museums and galleries in Wales,
- (g) libraries in Wales,
- (h) archives and historical records relating to Wales,
- (i) cultural activities and projects relating to Wales,
- (j) sport and recreational activities relating to Wales, and
- (k) the Welsh language.

**Commencement Information**

**I17** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

**62 Representations about matters affecting Wales**

The Welsh Ministers, the First Minister and the Counsel General may make appropriate representations about any matter affecting Wales.

*Status: Point in time view as at 04/07/2018.*

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#### Commencement Information

**I18** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### <sup>F30</sup> 63 Consultation about cross-border bodies

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#### Textual Amendments

**F30** S. 63 omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), [ss. 22, 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(e\)](#)

### 64 Polls for ascertaining views of the public

- (1) The Welsh Ministers may hold a poll in an area consisting of Wales or any part (or parts) of Wales for the purpose of ascertaining the views of those polled about whether or how any of the functions of the Welsh Ministers (other than that under section 62) should be exercised.
- (2) The persons entitled to vote in a poll under this section are those who—
  - (a) would be entitled to vote as electors at a local government election in an electoral area wholly or partly included in the area in which the poll is held, and
  - (b) are registered in the register of local government electors at an address within the area in which the poll is held.
- (3) The Welsh Ministers may by order make provision—
  - (a) as to the conduct of polls (or any poll) under this section, or
  - (b) for the combination of polls (or any poll) under this section with polls at any elections.
- (4) An order under subsection (3) may apply or incorporate, with or without modifications or exceptions, any provision of or made under any enactment relating to elections or referendums; and the provision which may be made under paragraph (a) of that subsection includes, in particular, provision for disregarding alterations in a register of electors.
- (5) A statutory instrument containing an order under subsection (3) is subject to annulment in pursuance of a resolution of the Assembly.

#### Commencement Information

**I19** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### 65 Private bills

- (1) The Welsh Ministers may promote private bills in Parliament and may oppose any private bill in Parliament.



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- (2) Subsection (1) does not cause the Welsh Ministers to have power to apply for orders under section 1 or 3 of the Transport and Works Act 1992 (c. 42) by virtue of section 20 of that Act (which gives a body with power to promote and oppose private bills power to apply for and object to such orders).

#### Commencement Information

**I20** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 66 Provision of information to Treasury

Where it appears to the Treasury that any information in the possession, or under the control, of the Welsh Ministers is required for the exercise of any function by the Treasury, the Treasury may require the Welsh Ministers to provide the information to the Treasury in such form as the Treasury may reasonably specify.

#### Commencement Information

**I21** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## [<sup>F31</sup>66A Provision of information to the Office for Budget Responsibility

- (1) The Office for Budget Responsibility has a right of access at any reasonable time to all information held by—
- the Welsh Ministers, or
  - any devolved Welsh authority within paragraph (a) or (b) of section 157A(1) that is specified in regulations made by the Secretary of State,
- that it may reasonably require for the purpose of the performance of its duty under section 4 of the Budget Responsibility and National Audit Act 2011 (duty to examine and report on the sustainability of the public finances).
- (2) The Office is entitled to require from any person holding or accountable for such information any assistance or explanation that the Office reasonably thinks necessary for that purpose.
- (3) No regulations are to be made under subsection (1)(b) unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (4) This section is subject to any enactment or rule of law that operates to prohibit or restrict the disclosure of information or the giving of any assistance or explanation.]

#### Textual Amendments

**F31** S. 66A inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 65, 71(4)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(m\)](#)

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## 67 Legal proceedings

- (1) Where the Counsel General considers it appropriate for the promotion or protection of the public interest, the Counsel General may institute in the Counsel General's name, defend or appear in any legal proceedings to which this section applies.
- (2) This section applies to legal proceedings relating to matters with respect to which any functions of the Welsh Ministers, the First Minister or the Counsel General are exercisable.

### Commencement Information

**I22** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 68 Contracts

- (1) The Secretary of State may by order provide that the Local Government (Contracts) Act 1997 (c. 65) applies in relation to contracts entered into by the Welsh Ministers, the First Minister or the Counsel General but subject to any appropriate modifications.
- (2) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

### Commencement Information

**I23** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 69 Charges for documents

- (1) The Welsh Ministers may make a charge for supplying copies of (or of any part of) any document which they publish or make available for public inspection.
- (2) Subsection (1) has effect subject to any provision contained in, or made under, any enactment which makes provision for—
  - (a) the making of charges for the inspection of documents,
  - (b) the making of charges for supplying copies of documents (or parts of documents), or
  - (c) the supply of copies of documents (or parts of documents) free of charge.
- (3) This section applies to the First Minister and the Counsel General as to the Welsh Ministers.

### Commencement Information

**I24** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 70 Financial assistance

- (1) [<sup>F32</sup>The First Minister] may give financial assistance (whether by way of grant, loan or guarantee) to any person engaged in any activity which [<sup>F33</sup>the First Minister considers]

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will secure, or help to secure, the attainment of any objective which [<sup>F34</sup>the Minister aims] to attain in the exercise of any of [<sup>F35</sup>the Minister's functions].

(2) [<sup>F36</sup>The First Minister] may attach conditions to the giving of financial assistance [<sup>F37</sup>by the Minister]; and the conditions which may be attached include, in particular, conditions requiring the repayment of the whole or any part of a grant, or the making of any other payments, in any circumstances.

[<sup>F38</sup>(3) This section applies in relation to the Counsel General as in relation to the First Minister.

(As regards the Welsh Ministers, see section 58A.)]

#### Textual Amendments

- F32** Words in s. 70(1) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 19(2)(a)(i)**, 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(e\)](#)
- F33** Words in s. 70(1) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 19(2)(a)(ii)**, 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(e\)](#)
- F34** Words in s. 70(1) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 19(2)(a)(iii)**, 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(e\)](#)
- F35** Words in s. 70(1) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 19(2)(a)(iv)**, 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(e\)](#)
- F36** Words in s. 70(2) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 19(2)(b)(i)**, 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(e\)](#)
- F37** Words in s. 70(2) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 19(2)(b)(ii)**, 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(e\)](#)
- F38** S. 70(3) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 19(2)(c)**, 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(e\)](#)

#### Commencement Information

- I25** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 71 Supplementary

(1) The persons to whom this section applies may do anything (including the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the exercise of any of their other functions.

[<sup>F39</sup>(2) This section applies to the First Minister and the Counsel General.

(As regards the Welsh Ministers, see section 58A.)]

#### Textual Amendments

- F39** S. 71(2) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 19(3)**, 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(e\)](#)

#### Commencement Information

- I26** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

*Status: Point in time view as at 04/07/2018.*

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*“Inclusive” approach to exercise of functions*

## 72 Partnership Council

- (1) The Welsh Ministers must establish and maintain a body to be known as the Partnership Council for Wales or Cyngor Partneriaeth Cymru (“the Partnership Council”).
- (2) The Partnership Council is to consist of members appointed by the Welsh Ministers from among—
  - (a) the Welsh Ministers,
  - (b) the Deputy Welsh Ministers, and
  - (c) the members of local authorities in Wales.
- (3) Before appointing members of the Partnership Council under subsection (2)(c), the Welsh Ministers must consult such associations of local authorities in Wales as they consider appropriate.
- (4) The Partnership Council may—
  - (a) give advice to the Welsh Ministers about matters affecting the exercise of any of their functions,
  - (b) make representations to the Welsh Ministers about any matters affecting, or of concern to, those involved in local government in Wales, and
  - (c) give advice to those involved in local government in Wales.
- (5) For the purposes of this section the following are local authorities in Wales—
  - (a) county councils, county borough councils and community councils in Wales,
  - (b) National Park authorities for National Parks in Wales,
  - (c) [<sup>F40</sup>police and crime commissioners] for police areas in Wales,
  - (d) fire and rescue authorities for areas in Wales, and
  - (e) authorities of any description specified for the purposes of this paragraph by order made by the Welsh Ministers.
- (6) No order may be made under subsection (5)(e) unless the Welsh Ministers have consulted the Partnership Council.
- (7) A statutory instrument containing an order under subsection (5)(e) is subject to annulment in pursuance of a resolution of the Assembly.

### Textual Amendments

**F40** Words in s. 72(5)(c) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 352](#); S.I. 2012/2892, art. 2(i)

### Commencement Information

**I27** Ss. 1-94, 97-106 in force immediately after “the 2007 election” by s. 161(1) (subject to s. 161(4)(5))

## 73 Local government scheme

- (1) The Welsh Ministers must make a scheme (“the local government scheme”) setting out how they propose, in the exercise of their functions, to sustain and promote local government in Wales.

*Status: Point in time view as at 04/07/2018.*

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- (2) The Welsh Ministers—
  - (a) must keep the local government scheme under review, and
  - (b) may from time to time remake or revise it.
- (3) In determining the provision to be included in the local government scheme, the Welsh Ministers must have regard to any advice which has been given, and to any representations which have been made, to them by the Partnership Council.
- (4) The Welsh Ministers must publish the local government scheme when they make it and whenever they remake it; and, if they revise the scheme without remaking it, they must publish either the revisions or the scheme as revised (as they consider appropriate).
- (5) If the Welsh Ministers publish a scheme or revisions under subsection (4) they must lay a copy of the scheme or revisions before the Assembly.
- (6) After each financial year the Welsh Ministers must—
  - (a) publish a report of how the proposals set out in the local government scheme were implemented in that financial year, and
  - (b) lay a copy of the report before the Assembly.

#### **Commencement Information**

**I28** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## **74 Voluntary sector scheme**

- (1) The Welsh Ministers must make a scheme (“the voluntary sector scheme”) setting out how they propose, in the exercise of their functions, to promote the interests of relevant voluntary organisations.
- (2) In this section “relevant voluntary organisations” means bodies (other than local authorities or other public bodies) whose activities—
  - (a) are carried on otherwise than for profit, and
  - (b) directly or indirectly benefit the whole or any part of Wales (whether or not they also benefit any other area).
- (3) In determining the provision to be included in the voluntary sector scheme, the Welsh Ministers must consider how they intend to exercise such of their functions as relate to matters affecting, or of concern to, relevant voluntary organisations.
- (4) The voluntary sector scheme must specify—
  - (a) how the Welsh Ministers propose to provide assistance to relevant voluntary organisations (whether by grants, loans, guarantees or any other means),
  - (b) how the Welsh Ministers propose to monitor the use made of any assistance provided by them to relevant voluntary organisations, and
  - (c) how the Welsh Ministers propose to consult relevant voluntary organisations about the exercise of such of their functions as relate to matters affecting, or of concern to, such organisations.
- (5) The Welsh Ministers—
  - (a) must keep the voluntary sector scheme under review, and
  - (b) may from time to time remake or revise it.

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: Government of Wales Act 2006, Part 2 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (6) Before making, remaking or revising the voluntary sector scheme, the Welsh Ministers must consult such relevant voluntary organisations as they consider appropriate.
- (7) The Welsh Ministers must publish the voluntary sector scheme when they make it and whenever they remake it; and, if they revise the scheme without remaking it, they must publish either the revisions or the scheme as revised (as they consider appropriate).
- (8) If the Welsh Ministers publish a scheme or revisions under subsection (7) they must lay a copy of the scheme or revisions before the Assembly.
- (9) After each financial year the Welsh Ministers must—
  - (a) publish a report of how the proposals set out in the voluntary sector scheme were implemented in that financial year, and
  - (b) lay a copy of the report before the Assembly.

#### **Commencement Information**

**I29** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## **75 Business scheme**

- (1) The Welsh Ministers must make a scheme (“the business scheme”) setting out how they propose, in the exercise of their functions, to take account of the interests of business.
- (2) The business scheme must specify how the Welsh Ministers propose—
  - (a) to carry out consultation about the exercise of such of their functions as relate to matters affecting the interests of business, and
  - (b) to consider the impact of the exercise of their functions on the interests of business.
- (3) The Welsh Ministers—
  - (a) must keep the business scheme under review, and
  - (b) may from time to time remake or revise it.
- (4) Before making, remaking or revising the business scheme, the Welsh Ministers must consult such organisations representative of business (including trade unions) and such other organisations as they consider appropriate.
- (5) The Welsh Ministers must publish the business scheme when they make it and whenever they remake it; and, if they revise the scheme without remaking it, they must publish either the revisions or the scheme as revised (as they consider appropriate).
- (6) If the Welsh Ministers publish a scheme or revisions under subsection (5) they must lay a copy of the scheme or revisions before the Assembly.
- (7) The Welsh Ministers must—
  - (a) within the period of two years beginning with the day on which the business scheme is first made, and
  - (b) subsequently at intervals of no more than two years, publish a report of how the proposals set out in the business scheme have been implemented.

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: Government of Wales Act 2006, Part 2 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (8) The Welsh Ministers must lay before the Assembly a copy of each report published under subsection (7).

**Commencement Information**

**I30** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

**76 Regulatory impact assessments**

- (1) The Welsh Ministers must make a code of practice setting out their policy on—
- the carrying out of regulatory impact assessments in connection with relevant Welsh subordinate legislation, and
  - the carrying out of consultation in connection with regulatory impact assessments,
- ("the regulatory impact assessment code").
- (2) For the purposes of this section—
- a regulatory impact assessment is an assessment as to the likely costs and benefits of complying with relevant Welsh subordinate legislation, and
  - subordinate legislation is relevant Welsh subordinate legislation if it is made by the Welsh Ministers, the First Minister or the Counsel General and the statutory instrument (or a draft of the statutory instrument) containing it is required to be laid before the Assembly.
- (3) The Welsh Ministers—
- must keep the regulatory impact assessment code under review, and
  - may from time to time remake or revise it.
- (4) Before making, remaking or revising the regulatory impact assessment code, the Welsh Ministers must consult such persons as they consider appropriate.
- (5) The Welsh Ministers must publish the regulatory impact assessment code when they make it and whenever they remake it; and, if they revise the code without remaking it, they must publish either the revisions or the code as revised (as they consider appropriate).
- (6) If the Welsh Ministers publish a code or revisions under subsection (5) they must lay a copy of the code or revisions before the Assembly.

**Commencement Information**

**I31** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

**77 Equality of opportunity**

- (1) The Welsh Ministers must make appropriate arrangements with a view to securing that their functions are exercised with due regard to the principle that there should be equality of opportunity for all people.
- (2) After each financial year the Welsh Ministers must publish a report containing—

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: Government of Wales Act 2006, Part 2 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) a statement of the arrangements made in pursuance of subsection (1) which had effect during that financial year, and
  - (b) an assessment of how effective those arrangements were in promoting equality of opportunity,
- and must lay a copy of the report before the Assembly.

#### Commencement Information

**I32** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 78 The Welsh language

- (1) The Welsh Ministers must adopt a strategy (“the Welsh language strategy”) setting out how they propose to promote and facilitate the use of the Welsh language.
- <sup>F41</sup>(2) .....
- <sup>F41</sup>(3) .....
- (4) The Welsh Ministers—
  - (a) must keep under review <sup>F42</sup>... the Welsh language strategy <sup>F42</sup>..., and
  - (b) may from time to time adopt a new strategy or [<sup>F43</sup>revise it].
- (5) Before adopting or revising a strategy <sup>F44</sup>..., the Welsh Ministers must consult such persons as they consider appropriate.
- (6) The Welsh Ministers must publish the Welsh language strategy <sup>F45</sup>... when they first adopt it and—
  - (a) if they adopt a new strategy <sup>F46</sup>... they must publish it, and
  - (b) if they revise the Welsh language strategy <sup>F47</sup>... (rather than adopting a new strategy <sup>F46</sup>...) they must publish either the revisions or the strategy <sup>F46</sup>... as revised (as they consider appropriate).
- (7) If the Welsh Ministers publish a strategy <sup>F48</sup>..., or revisions, under subsection (6) they must lay a copy of the strategy or scheme, or revisions, before the Assembly.
- [<sup>F49</sup>(8) After each financial year the Welsh Ministers must publish a report of how the proposals set out in the Welsh language strategy were implemented in that financial year and how effective their implementation has been in promoting and facilitating the use of the Welsh language and must lay a copy of the report before the Assembly.]
- [<sup>F50</sup>(9) For each financial year, the Welsh Ministers must publish a plan setting out how they will implement the proposals set out in the Welsh language strategy during that year.
- (10) The plan must be published as soon as reasonably practicable before the commencement of the financial year to which it relates.]

#### Textual Amendments

**F41** S. 78(2)(3) omitted (31.3.2016) by virtue of [The Welsh Language \(Wales\) Measure 2011 \(Consequential Provisions\) Order 2016 \(S.I. 2016/409\)](#), arts. 1(2), **2(a)(i)**

**F42** Words in s. 78(4)(a) omitted (31.3.2016) by virtue of [The Welsh Language \(Wales\) Measure 2011 \(Consequential Provisions\) Order 2016 \(S.I. 2016/409\)](#), arts. 1(2), **2(a)(ii)**



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- F43** Words in s. 78(4)(b) substituted (31.3.2016) by [The Welsh Language \(Wales\) Measure 2011 \(Consequential Provisions\) Order 2016 \(S.I. 2016/409\)](#), arts. 1(2), **2(a)(iii)**
- F44** Words in s. 78(5) omitted (31.3.2016) by virtue of [The Welsh Language \(Wales\) Measure 2011 \(Consequential Provisions\) Order 2016 \(S.I. 2016/409\)](#), arts. 1(2), **2(a)(iv)**
- F45** Words in s. 78(6) omitted (31.3.2016) by virtue of [The Welsh Language \(Wales\) Measure 2011 \(Consequential Provisions\) Order 2016 \(S.I. 2016/409\)](#), arts. 1(2), **2(a)(v)**
- F46** Words in s. 78(6) omitted (31.3.2016) by virtue of [The Welsh Language \(Wales\) Measure 2011 \(Consequential Provisions\) Order 2016 \(S.I. 2016/409\)](#), arts. 1(2), **2(a)(iv)**
- F47** Words in s. 78(6)(b) omitted (31.3.2016) by virtue of [The Welsh Language \(Wales\) Measure 2011 \(Consequential Provisions\) Order 2016 \(S.I. 2016/409\)](#), arts. 1(2), **2(a)(vi)**
- F48** Words in s. 78(7) omitted (31.3.2016) by virtue of [The Welsh Language \(Wales\) Measure 2011 \(Consequential Provisions\) Order 2016 \(S.I. 2016/409\)](#), arts. 1(2), **2(a)(iv)**
- F49** S. 78(8) substituted (31.3.2016) by [The Welsh Language \(Wales\) Measure 2011 \(Consequential Provisions\) Order 2016 \(S.I. 2016/409\)](#), arts. 1(2), **2(a)(vii)**
- F50** S. 78(9)(10) inserted (5.2.2012) by [Welsh Language \(Wales\) Measure 2011 \(nawm 1\)](#), **ss. 148(2), 156(2)**; S.I. 2012/223, art. 2(a)

#### Commencement Information

- I33** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### [<sup>F51</sup>79 Sustainable development

- (1) The Welsh Ministers must, in the exercise of their functions, make appropriate arrangements to promote sustainable development.
- (2) After each financial year the Welsh Ministers must publish a report containing a statement of the arrangements made in pursuance of subsection (1) that had effect during that financial year and must lay a copy of the report before the Assembly.
- (3) The arrangements referred to in subsection (1) may be made by the Welsh Ministers exercising their functions under section (2) of the Well-being of Future Generations (Wales) Act 2015 (duty of Welsh public bodies to set objectives and take steps to meet them in accordance with the sustainable development principle).]

#### Textual Amendments

- F51** S. 79 substituted (1.4.2016) by [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#), **ss. 16, 56(2)**; S.I. 2016/86, art. 3

*[<sup>F23</sup>EU] law, human rights and international obligations etc.*

### 80 [<sup>F23</sup>EU] law

- (1) [<sup>F23</sup>An][<sup>F23</sup>EU] obligation of the United Kingdom is also an obligation of the Welsh Ministers if and to the extent that the obligation could be implemented (or enabled to be implemented) or complied with by the exercise by the Welsh Ministers of any of their functions.
- (2) Subsection (1) does not apply in the case of [<sup>F23</sup>an][<sup>F23</sup>EU] obligation of the United Kingdom if—

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- (a) it is an obligation to achieve a result defined by reference to a quantity (whether expressed as an amount, proportion or ratio or otherwise), and
  - (b) the quantity relates to the United Kingdom (or to an area including the United Kingdom or to an area consisting of a part of the United Kingdom which includes <sup>F52</sup>the whole or part of Wales or of the Welsh zone)).
- (3) But if such <sup>F23</sup>an<sup>F23</sup>EU obligation could (to any extent) be implemented (or enabled to be implemented) or complied with by the exercise by the Welsh Ministers of any of their functions, a Minister of the Crown may by order provide for the achievement by the Welsh Ministers (in the exercise of their functions) of so much of the result to be achieved under the <sup>F23</sup>EU obligation as is specified in the order.
- (4) The order may specify the time by which any part of the result to be achieved by the Welsh Ministers is to be achieved.
- (5) No order is to be made by a Minister of the Crown under subsection (3) unless the Minister of the Crown has consulted the Welsh Ministers.
- (6) A statutory instrument containing an order under subsection (3) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Where an order under subsection (3) is in force in relation to <sup>F23</sup>an<sup>F23</sup>EU obligation, to the extent that the <sup>F23</sup>EU obligation involves achieving what is specified in the order it is also an obligation of the Welsh Ministers (enforceable as if it were an obligation of the Welsh Ministers under subsection (1)).
- (8) <sup>F53</sup>The Welsh Ministers have no power to make, confirm or approve any subordinate legislation so far as the legislation modifies retained EU law and the modification is of a description specified in regulations made by a Minister of the Crown.
- (8A) But subsection (8) does not apply—
- (a) so far as the modification would be within the Assembly's legislative competence if it were included in an Act of the Assembly, or
  - (b) to the making of regulations under Schedule 2 or 4 to the European Union (Withdrawal) Act 2018.
- (8B) No regulations are to be made under subsection (8) unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (8C) A Minister of the Crown must not lay a draft as mentioned in subsection (8B) unless—
- (a) the Assembly has made a consent decision in relation to the laying of the draft, or
  - (b) the 40 day period has ended without the Assembly having made such a decision.
- (8D) For the purposes of subsection (8C) a consent decision is—
- (a) a decision to agree a motion consenting to the laying of the draft,
  - (b) a decision not to agree a motion consenting to the laying of the draft, or
  - (c) a decision to agree a motion refusing to consent to the laying of the draft;
- and a consent decision is made when the Assembly first makes a decision falling within any of paragraphs (a) to (c) (whether or not it subsequently makes another such decision).
- (8E) In subsection (8C)—

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“the 40 day period” means the period of 40 days beginning with the day on which a copy of the draft instrument is provided to the Welsh Ministers, and, in calculating that period, no account is to be taken of any time during which the Assembly is dissolved or during which it is in recess for more than four days.

- (8F) A Minister of the Crown who is proposing to lay a draft as mentioned in subsection (8B) must—
- (a) provide a copy of the draft to the Welsh Ministers, and
  - (b) inform the Presiding Officer that a copy has been so provided.
- (8G) See also section 157ZA (duty to make explanatory statement about regulations under subsection (8) including a duty to explain any decision to lay a draft without the consent of the Assembly).
- (8H) No regulations may be made under subsection (8) after the end of the period of two years beginning with exit day.
- (8I) Subsection (8H) does not affect the continuation in force of regulations made under subsection (8) at or before the end of the period mentioned in subsection (8H).
- (8J) Any regulations under subsection (8) which are in force at the end of the period of five years beginning with the time at which they came into force are revoked in their application to the making, confirming or approving of subordinate legislation after the end of that period.
- (8K) Subsections (8C) to (8I) do not apply in relation to regulations which only relate to a revocation of a specification.
- (8L) The restriction in subsection (8) is in addition to any restriction in section 7 of the European Union (Withdrawal) Act 2018 or elsewhere on the power of the Welsh Ministers to make, confirm or approve any subordinate legislation so far as the legislation modifies retained EU law.]
- (9) Subsections (1) and (8) apply to the First Minister and the Counsel General as to the Welsh Ministers.

#### Textual Amendments

- F52** Words in s. 80(2)(b) substituted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 43, 324, **Sch. 4 Pt. 2 para. 6(5)**; S.I. 2009/3345, **art. 2**, Sch. para. 7
- F53** S. 80(8)-(8L) substituted for s. 80(8) (26.6.2018 for specified purposes, 31.12.2020 in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(3)(b), **Sch. 3 para. 2** (with s. 19, Sch. 2 para. 3(5)(6), 14(5)(6), Sch. 8 paras. 37, 41, 42); S.I. 2020/1622, reg. 3(l) (with reg. 10)

#### Modifications etc. (not altering text)

- C2** S. 80(8)-(8L): power to repeal conferred (4.7.2018) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), **ss. 12(9)-(11), 25(4)** (with s. 19, Sch. 8 paras. 37, 41); S.I. 2018/808, reg. 3(c)

#### Commencement Information

- I34** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: Government of Wales Act 2006, Part 2 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 81 Human rights

- (1) The Welsh Ministers have no power—
  - (a) to make, confirm or approve any subordinate legislation, or
  - (b) to do any other act,
 so far as the subordinate legislation or act is incompatible with any of the Convention rights.
- (2) Subsection (1) does not enable a person—
  - (a) to bring any proceedings in a court or tribunal, or
  - (b) to rely on any of the Convention rights in any such proceedings,
 in respect of an act unless that person would be a victim for the purposes of Article 34 of the Convention if proceedings were brought in the European Court of Human Rights in respect of that act.
- (3) Subsection (2) does not apply to the Attorney General, the Counsel General, the Advocate General for Scotland, the Advocate General for Northern Ireland or the Attorney General for Northern Ireland.
- (4) Subsection (1)—
  - (a) does not apply to an act which, by virtue of subsection (2) of section 6 of the Human Rights Act 1998 (c. 42), is not unlawful under subsection (1) of that section, and
  - (b) does not enable a court or tribunal to award in respect of any act any damages which it could not award on finding the act unlawful under that subsection.
- (5) Subsection (1) applies to the First Minister and the Counsel General as to the Welsh Ministers.
- (6) In subsection (2) “the Convention” has the same meaning as in the Human Rights Act 1998.

### Commencement Information

**I35** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 82 International obligations etc.

- (1) If the Secretary of State considers that any action proposed to be taken by the Welsh Ministers would be incompatible with any international obligation, the Secretary of State may by order direct that the proposed action is not to be taken.
- (2) If the Secretary of State considers that an action capable of being taken by the Welsh Ministers is required for the purposes of giving effect to any international obligation, the Secretary of State may by order direct the Welsh Ministers to take the action.
- (3) If the Secretary of State considers that any subordinate legislation made, or which could be revoked, by the Welsh Ministers is incompatible with any international obligation or the interests of defence or national security, the Secretary of State may by order revoke the legislation.
- (4) An order under subsection (3) may include provision for the order to have effect from a date earlier than that on which it is made; but—

*Status: Point in time view as at 04/07/2018.*

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- (a) such a provision does not affect any rights or liabilities acquired or incurred before the date on which the order is made, and
  - (b) no person is to be guilty of an offence merely because of such a provision.
- (5) The Secretary of State may make an order containing provision such as is specified in subsection (6) where—
- (a) an international obligation is an obligation to achieve a result defined by reference to a quantity (whether expressed as an amount, proportion or ratio or otherwise), and
  - (b) the quantity relates to the United Kingdom (or to an area including the United Kingdom or to an area consisting of a part of the United Kingdom which includes <sup>F54</sup>the whole or part of Wales or of the Welsh zone]).
- (6) The provision referred to in subsection (5) is provision for the achievement by the Welsh Ministers (in the exercise of their functions) of so much of the result to be achieved under the international obligation as is specified in the order.
- (7) The order may specify the time by which any part of the result to be achieved by the Welsh Ministers is to be achieved.
- (8) Where an order under subsection (5) is in force in relation to an international obligation, references to the international obligation in subsections (1) to (3) are to an obligation to achieve so much of the result to be achieved under the international obligation as is specified in the order by the time or times so specified.
- (9) No order is to be made by the Secretary of State under subsection (2), (3) or (5) unless the Secretary of State has consulted the Welsh Ministers.
- (10) An order under this section must state the reasons for making it.
- (11) A statutory instrument containing—
- (a) subject to subsection (12), an order under subsection (1), or
  - (b) an order under subsection (5),
- is (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) A statutory instrument containing only an order under subsection (1) revoking a previous order under that subsection—
- (a) is not subject to annulment in pursuance of a resolution of either House of Parliament, but
  - (b) is to be laid before Parliament.
- (13) No order is to be made under subsection (2) or (3) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.
- (14) Subsections (1), (2) and (3) apply to the First Minister and the Counsel General as to the Welsh Ministers; and where subsection (9) operates in relation to an order under subsection (2) or (3) relating to the First Minister or the Counsel General the reference in subsection (9) to the Welsh Ministers is to the First Minister or the Counsel General.
- (15) In this section “action” includes making, confirming or approving subordinate legislation and in subsection (2) also includes introducing into the Assembly a proposed Assembly Measure or a Bill.

*Status: Point in time view as at 04/07/2018.*

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#### Textual Amendments

**F54** Words in s. 82(5)(b) substituted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 43, 324, [Sch. 4 Pt. 2 para. 6\(6\)](#); [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 7](#)

#### Commencement Information

**I36** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

*Functions: supplementary*

### 83 Agency arrangements and provision of services

- (1) Arrangements may be made between the Welsh Ministers and any relevant authority for—
  - (a) any functions of one of them to be exercised by the other,
  - (b) any functions of the Welsh Ministers to be exercised by members of staff of the relevant authority,
  - (c) any functions of the relevant authority to be exercised by members of the staff of the Welsh <sup>F1</sup>... Government, or
  - (d) the provision of administrative, professional or technical services by one of them for the other.
- (2) Any arrangements under paragraph (a), (b) or (c) of subsection (1) for the exercise of functions of the Welsh Ministers do not affect the responsibility of the Welsh Ministers; and such arrangements for the exercise of any functions of a relevant authority do not affect the responsibility of the relevant authority.
- (3) The references in subsections (1) and (2) to functions do not include functions of making, confirming or approving subordinate legislation contained in a statutory instrument.
- (4) In this section “relevant authority” means any Minister of the Crown or government department, any public authority (including any local authority) in England and Wales or the holder of any public office in England and Wales.
- (5) This section applies to the First Minister and the Counsel General as to the Welsh Ministers.

#### Modifications etc. (not altering text)

**C3** S. 83 modified by 2005 c. 11, s. 15(3) (as inserted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 7\(3\)](#), [29\(2\)\(b\)](#), (3))

#### Commencement Information

**I37** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### 84 Different exercise of functions by Welsh Ministers etc.

- (1) This section applies where—

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- (a) an enactment confers or imposes a function exercisable in relation to England and Wales, and
  - (b) the function is to any extent conferred or imposed on the Welsh Ministers by the enactment or transferred to, or made exercisable by, the Welsh Ministers by or by virtue of this Act.
- (2) The enactment is to be taken to permit—
- (a) the exercise of the function by the Welsh Ministers whether or not it is exercised otherwise than by the Welsh Ministers, and
  - (b) the exercise of the function differently by the Welsh Ministers (on the one hand) and otherwise than by the Welsh Ministers (on the other).
- (3) The reference in subsection (1)(a) to a function exercisable in relation to England and Wales includes a function exercisable in relation both to England and Wales and to another country or territory or other countries or territories.
- (4) Subsection (2) is subject to—
- (a) the enactment by which the function is conferred or imposed on the Welsh Ministers, or
  - (b) any provision by or by virtue of which the function is transferred to, or made exercisable by, the Welsh Ministers.
- (5) Subsection (2) does not limit any power to exercise a function in relation to Wales whether or not it is exercised in relation to England, or to exercise a function differently in relation to Wales and England, where this section does not apply.
- (6) In this section “enactment” includes a future enactment.
- (7) This section applies in relation to the First Minister and the Counsel General as to the Welsh Ministers.

#### **Commencement Information**

**I38** Ss. 1-94, 97-106 in force immediately after “the 2007 election” by s. 161(1) (subject to s. 161(4)(5))

## **85 Construction of references to Ministers and departments**

- (1) So far as may be necessary for the purpose or in consequence of the exercise of any functions of the Welsh Ministers, the First Minister or the Counsel General, any reference in any enactment or other document to—
- (a) a Minister of the Crown, or
  - (b) a government department,
- (whether by name or in general terms) is to be construed as being or including a reference to the Welsh Ministers, the First Minister or the Counsel General (according to by whom the function in question is exercisable).
- (2) References in any enactment to property vested in or held for the purposes of a government department is to be construed as including references to property vested in or held for the purposes of the Welsh Ministers, the First Minister or the Counsel General (and in relation to property so vested or held the Welsh Ministers, the First Minister or the Counsel General are each deemed to be a government department for the purposes of any enactment).

*Status: Point in time view as at 04/07/2018.*

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(3) In this section “enactment” includes a future enactment.

#### Commencement Information

**I39** Ss. 1-94, 97-106 in force immediately after “the 2007 election” by s. 161(1) (subject to s. 161(4)(5))

## 86 Laying of reports and statements

(1) This section applies where—

- (a) any enactment makes provision (“provision for Parliamentary laying”) for any report or statement to be laid before Parliament or either House of Parliament,
- (b) the report or statement is not one which, by or by virtue of this Act, is to be made by or given to the Welsh Ministers, the First Minister, the Counsel General or the Assembly Commission, and
- (c) the report or statement relates to matters with respect to which functions are exercisable by the Welsh Ministers, the First Minister, the Counsel General or the Assembly Commission.

(2) If no functions relating to the matters are exercisable by a Minister of the Crown, the provision for Parliamentary laying is to be construed as provision for the report or statement to be laid before the Assembly instead of before Parliament or either House of Parliament.

(3) If any are, the provision for Parliamentary laying is to be construed as provision for the report or statement to be laid before the Assembly as well as before Parliament or either House of Parliament.

(4) In this section—

- (a) references to a report or statement include any other document (except one containing subordinate legislation), and
- (b) “enactment” includes a future enactment.

#### Commencement Information

**I40** Ss. 1-94, 97-106 in force immediately after “the 2007 election” by s. 161(1) (subject to s. 161(4)(5))

### *Property, rights and liabilities*

## 87 Property, rights and liabilities of Welsh Ministers etc.

(1) Property, rights and liabilities may belong to—

- (a) the Welsh Ministers by that name,
- (b) the First Minister by that name, or
- (c) the Counsel General by that name.

(2) Property and rights acquired by or transferred to the Welsh Ministers belong to, and liabilities incurred by the Welsh Ministers are liabilities of, the Welsh Ministers for the time being.



*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: Government of Wales Act 2006, Part 2 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) Property and rights acquired by or transferred to any of the Welsh Ministers appointed under section 48 belong to, and liabilities incurred by any of those Welsh Ministers are liabilities of, the Welsh Ministers for the time being.
- (4) Property and rights acquired by or transferred to the First Minister belong to, and liabilities incurred by the First Minister are liabilities of, the First Minister for the time being.
- (5) Property and rights acquired by or transferred to the Counsel General belong to, and liabilities incurred by the Counsel General are liabilities of, the Counsel General for the time being.
- (6) In relation to property and rights acquired by or transferred to (or belonging to), or to liabilities incurred by—
  - (a) the Welsh Ministers or any of the Welsh Ministers appointed under section 48,
  - (b) the First Minister, or
  - (c) the Counsel General,references to the Welsh Ministers, the First Minister or the Counsel General in any register or other document are to be read in accordance with this section.

#### Commencement Information

**I41** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### **88 Transfer of Ministerial property, rights and liabilities**

For provision about the transfer of property, rights and liabilities of Ministers of the Crown to the Welsh Ministers etc. see Schedule 4.

#### Commencement Information

**I42** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### *Supplementary*

### **89 Rights and liabilities of the Crown in different capacities**

- (1) Rights and liabilities may arise between the Crown in right of Her Majesty's Government in the United Kingdom and the Crown in right of the Welsh <sup>F1</sup>... Government by virtue of a contract, by operation of law or by virtue of an enactment as they may arise between subjects.
- (2) Property, rights and liabilities may be transferred between the Crown in one of those capacities and the Crown in the other capacity as they may be transferred between subjects; and they may together create, vary or extinguish any property, rights or liabilities as subjects may.
- (3) Proceedings in respect of—
  - (a) any property, rights or liabilities to which the Crown in one of those capacities is entitled or subject under subsection (1) or (2), or

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- (b) the exercise of, or failure to exercise, any function exercisable by an office-holder of the Crown in one of those capacities,  
may be instituted by the Crown in either capacity; and the Crown in the other capacity may be a separate party in the proceedings.
- (4) This section applies to the Crown in right of a devolved administration (other than the Welsh <sup>F1</sup>... Government) as it applies to the Crown in right of Her Majesty's Government in the United Kingdom.
- (5) In this section “office-holder” means—
- (a) in relation to the Crown in right of Her Majesty's Government in the United Kingdom, any Minister of the Crown or other office-holder under the Crown in that capacity,
  - (b) in relation to the Crown in right of the Welsh <sup>F1</sup>... Government, the First Minister, a Welsh Minister appointed under section 48 or the Counsel General, and
  - (c) in relation to the Crown in right of a devolved administration other than the Welsh <sup>F1</sup>... Government, an office-holder in that administration;
- and “subject” means a person not acting on behalf of the Crown.

#### **Commencement Information**

**I43** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## **90 Documents**

- (1) A document is validly executed by the Welsh Ministers if it is executed by the First Minister or any Welsh Minister appointed under section 48.
- (2) The application of the seal of the Welsh Ministers is to be authenticated by the First Minister, any Welsh Minister appointed under section 48 or any person authorised by the Welsh Ministers (whether generally or specifically) for that purpose.
- (3) A document purporting to be—
  - (a) duly executed under the seal of the Welsh Ministers, or
  - (b) signed on behalf of the Welsh Ministers,
 is to be received in evidence and, unless the contrary is proved, is to be taken to be so executed or signed.
- (4) A certificate signed by the First Minister or a Welsh Minister appointed under section 48 that any document purporting to be executed by the Welsh Ministers or signed by them or on their behalf was so executed or signed is conclusive evidence of that fact.
- (5) A document purporting to be signed by or on behalf of—
  - (a) the First Minister, or
  - (b) the Counsel General,
 is to be received in evidence and, unless the contrary is proved, is to be taken to be so signed.

*Status: Point in time view as at 04/07/2018.*

*Changes to legislation: Government of Wales Act 2006, Part 2 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (6) A certificate signed by the First Minister or the Counsel General that any document purporting to be signed by or on behalf of the First Minister or the Counsel General was so signed is conclusive evidence of that fact.
- (7) The Documentary Evidence Act 1868 (c. 37) (proof of documents) has effect as if—
- (a) in the first column of Schedule 1 there were included a reference to the Welsh Ministers, the First Minister, a Welsh Minister appointed under section 48 and the Counsel General,
  - (b) in the second column of that Schedule there were included in connection with that reference a reference to a member of the staff of the Welsh<sup>FI</sup>... Government, and
  - (c) in section 2 of that Act the reference to regulations issued by or under the authority of an officer mentioned in the first column of the Schedule included a reference to any document issued by or under the authority of a person or persons within paragraph (a).

**Commencement Information**

**I44** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

**91 Validity of acts**

- (1) The validity of any act of a person as First Minister is not affected by any defect in the person's nomination by the Assembly.
- (2) The validity of any act of a person as the Counsel General is not affected by any defect in the Assembly's agreement to the person's appointment.

**Commencement Information**

**I45** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

**92 Official secrets**

The following are Crown servants for the purposes of the Official Secrets Act 1989 (c. 6)—

- (a) the First Minister and any person designated to exercise the functions of the First Minister,
- (b) each Welsh Minister appointed under section 48,
- (c) the Counsel General and any person designated to exercise the functions of the Counsel General, and
- (d) each Deputy Welsh Minister.

**Commencement Information**

**I46** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

**Status:**

Point in time view as at 04/07/2018.

**Changes to legislation:**

Government of Wales Act 2006, Part 2 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.