

Status: Point in time view as at 06/04/2011.

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SCHEDULES

SCHEDULE 3

TRANSFER ETC. OF FUNCTIONS: FURTHER PROVISIONS

PART 1

FUNCTIONS TRANSFERABLE ETC.

Existing and future functions

- 1 (1) Subject to sub-paragraph (2), an Order in Council under section 58 may make provision about any function of a Minister of the Crown (including a function conferred or imposed after the passing of this Act).
- (2) Such an Order in Council may not make provision about any function conferred or imposed by any provision of this Act except section 4.

Commencement Information

- I1** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Functions relating to culture

- 2 If and to the extent that any function is exercisable by a Minister of the Crown in relation to the Welsh language or any other aspect of Welsh culture it is to be regarded for the purposes of section 58 as exercisable by the Minister of the Crown in relation to Wales.

Commencement Information

- I2** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Cross-border functions

- 3 (1) The power conferred by section 58 to make an Order in Council about a function so far as exercisable by a Minister of the Crown in relation to Wales includes power to make provision about a function so far as exercisable by a Minister of the Crown in relation to—
- (a) a cross-border body, or
 - (b) subject to sub-paragraph (2), an English border area.
- (2) An Order in Council under section 58 may only include provision about a function so far as exercisable by a Minister of the Crown in relation to an English border area if—

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- (a) the function relates to water resources management, water supply, rivers or other watercourses, control of pollution of water resources, sewerage or land drainage, and
 - (b) the Order in Council makes (or another such Order in Council has made) corresponding provision about the function so far as so exercisable in relation to a part of Wales adjoining England or the whole of Wales.
- (3) This paragraph does not affect the power conferred by section 58 to make an Order in Council about a function so far as exercisable by a Minister of the Crown in relation to the whole or any part of Wales.

Commencement Information

I3 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Functions exercisable beyond the territorial sea

- 4 (1) The power conferred by section 58(1)(c) includes power to direct that any function under—
- ^{F1}(a)
 - (b) Part 4 of the Petroleum Act 1998 (c. 17) (abandonment of offshore installations),
 - ^{F2}(c) the provisions of Parts 4 and 8 of the Marine and Coastal Access Act 2009 (marine licensing and enforcement) specified in sub-paragraph (1A), or
 - (d) regulations under section 73 of that Act (appeals),]
- so far as exercisable by a Minister of the Crown in relation to Welsh controlled waters is to be exercisable by the Minister of the Crown only after consultation with the Welsh Ministers.
- ^{F3}(1A) The provisions of the Marine and Coastal Access Act 2009 mentioned in sub-paragraph (1)(c) are—
- (a) sections 67(1) to (5), 69(1), (3) and (4), 71(1) to (3) and 72(1) to (3) (marine licences), so far as relating to items 1 to 6 and 11 to 13 in section 66(1) of that Act (licensable marine activities);
 - (b) section 101 (registers);
 - (c) sections 106 and 91(7)(c) (power to take remedial action, and power to require payment of sum representing reasonable expenses of taking such action);
 - (d) section 107 (power to test, and charge for testing, certain substances);
 - (e) sections 235(3) and 240(1)(c) (enforcement officers).]
- (2) In this paragraph “Welsh controlled waters” means so much of the sea beyond the seaward boundary of the territorial sea as is adjacent to Wales.
- (3) The power conferred by section 58(3) includes (in particular) power to determine, or make provision for determining, for the purposes of the definition of “Welsh controlled waters” any boundary between—
- (a) the parts of the sea which are to be treated as adjacent to Wales, and
 - (b) those which are not,

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including power to make different determinations or provision for different purposes; and an order under section 158(3) may include any provision that by virtue of this sub-paragraph may be included in an Order in Council under section 58.

Textual Amendments

- F1** Sch. 3 para. 4(1)(a) repealed (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 8 para. 3(2)(a), **Sch. 22 Pt. 2** (with s. 111); S.I. 2011/556, art. 3(2)(a)(d)
- F2** Sch. 3 para. 4(1)(c)(d) inserted (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 8 para. 3(2)(b)** (with s. 111); S.I. 2011/556, art. 3(2)(a)
- F3** Sch. 3 para. 4(1A) inserted (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 8 para. 3(3)** (with s. 111); S.I. 2011/556, art. 3(2)(a)

Commencement Information

- I4** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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