

Status: Point in time view as at 26/12/2023.

Changes to legislation: Government of Wales Act 2006, Part 3 is up to date with all changes known to be in force on or before 16 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)

SCHEDULES

[^{F1}SCHEDULE 7A

RESERVED MATTERS

Textual Amendments

- F1** Schs. 7A, 7B substituted for Sch. 7 (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(3\), Sch. 1](#) (with [Sch. 7 paras. 1, 2, 6](#)); [S.I. 2017/1179, reg. 2](#)

PART 3

GENERAL PROVISIONS

Devolved Welsh authorities etc

- 194 (1) This Schedule does not reserve—
- (a) the constitution of an authority that has reserved functions,
 - (b) conferring or imposing (or giving power to confer or impose) accounting or public procurement functions on such an authority,
 - (c) modifying or removing (or giving power to modify or remove) any accounting or public procurement functions of such an authority, or
 - (d) conferring, imposing, modifying or removing (or giving power to confer, impose, modify or remove) functions specifically exercisable in relation to such an authority,
- if the authority is a devolved Welsh authority.
- (2) For the purposes of this paragraph—
- (a) ““authority”” means a body, office or holder of an office that has functions of a public nature (but does not include a court);
 - (b) ““reserved functions”” are functions that relate to reserved matters;
 - (c) the constitution of an authority includes the authority's establishment and dissolution, its assets and liabilities and its funding and receipts;
 - (d) a function specifically exercisable in relation to an authority does not include a function specifically exercisable in relation to a particular reserved function of the authority.
- (3) Where the question whether an authority is a devolved Welsh authority is relevant to determining whether a provision of an Act of the [^{F2}Senedd] is within the [^{F2}Senedd's] legislative competence, the time for deciding the question is the time when the Act is passed.

Status: Point in time view as at 26/12/2023.

Changes to legislation: Government of Wales Act 2006, Part 3 is up to date with all changes known to be in force on or before 16 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)

Textual Amendments

F2 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

- 195 (1) Paragraph 1 of this Schedule does not reserve an authority if—
- (a) its functions are exercisable only in relation to Wales, or
 - (b) it is a devolved Welsh authority (whether or not its functions are exercisable only in relation to Wales),
- and it has no reserved functions.
- (2) In this paragraph ““authority”” and ““reserved functions”” have the same meaning as in paragraph 194.
- (3) In determining for the purposes of this paragraph whether functions of an authority are exercisable only in relation to Wales, no account is taken of any function that—
- (a) is exercisable otherwise than in relation to Wales, and
 - (b) could (apart from paragraph 8 of Schedule 7B) be conferred or imposed by provision falling within the [^{F2}Senedd's] legislative competence (by virtue of section 108A(3)).
- [References in this paragraph to Wales include, in relation to a relevant function of an ^{F3}(3A) authority, the area of the Welsh zone beyond the seaward limit of the territorial sea.
- A function of an authority is “relevant” if it relates to fishing, fisheries or fish health.]
- (4) Where the conditions in sub-paragraph (1) are relevant to determining whether a provision of an Act of the [^{F2}Senedd] is within the [^{F2}Senedd's] legislative competence, the time for assessing whether those conditions are met is the time when the Act is passed.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F3** Sch. 7A para. 195(3A) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), [ss. 45\(5\)\(b\)](#), 54(2) (with [Sch. 4 para. 31](#))

- 196 Paragraph 194 applies in relation to a devolved tribunal (within the meaning of paragraph 9(2)) as it applies in relation to a devolved Welsh authority.

Particular authorities

- 197 (1) The reservation of an authority to which this paragraph applies has effect to reserve—
- (a) its constitution, including its establishment and dissolution, its assets and liabilities and its funding and receipts;
 - (b) conferring or imposing (or giving power to confer or impose) functions on it;
 - (c) modifying or removing (or giving power to modify or remove) any of its functions;
 - (d) conferring, imposing, modifying or removing (or giving power to confer, impose, modify or remove) functions specifically exercisable in relation to it.

Status: Point in time view as at 26/12/2023.

Changes to legislation: Government of Wales Act 2006, Part 3 is up to date with all changes known to be in force on or before 16 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)

- (2) This paragraph applies to—
- (a) a body reserved by name by Part 2 of this Schedule;
 - (b) any of the companies reserved by Section C10 of that Part;
 - (c) each of the councils reserved by Section C11 of that Part;
 - (d) a police and crime commissioner;
 - (e) the Commission for Equality and Human Rights.
- (3) This paragraph is subject to paragraphs 198 and 199.

Welsh language functions

- 198 (1) This Schedule does not reserve—
- (a) conferring or imposing (or giving power to confer or impose) a Welsh language function on a person other than a court;
 - (b) modifying or removing (or giving power to modify or remove) any Welsh language function of a person other than a court.
- (2) ““Welsh language function”” means a function in relation to the Welsh language.

Council tax precepts

- 199 This Schedule does not reserve council tax precepts.

Interpretation of Schedule

- 200 (1) References in this Schedule to the subject-matter of any enactment are to be read as references to the subject-matter of that enactment as it has effect on the principal appointed day or, if it ceased to have effect at any time within the period ending with that day and beginning with the passing of the Wales Act 2017, as it had effect immediately before that time.
- (2) For the purposes of sub-paragraph (1), any provision of an enactment that is not yet in force on the principal appointed day is treated as if it were in force on that day.
- (3) In this Schedule ““the principal appointed day”” has the same meaning as in section 71 of the Wales Act 2017.]

Status:

Point in time view as at 26/12/2023.

Changes to legislation:

Government of Wales Act 2006, Part 3 is up to date with all changes known to be in force on or before 16 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.