

Status: Point in time view as at 18/12/2019.

Changes to legislation: Government of Wales Act 2006, Paragraph 4 is up to date with all changes known to be in force on or before 15 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 7B

GENERAL RESTRICTIONS

Textual Amendments

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

PART 1

GENERAL RESTRICTIONS

Criminal law

- 4 (1) A provision of an Act of the Assembly cannot—
- (a) make modifications of, or confer power by subordinate legislation to make modifications of, an offence in a listed category;
 - (b) create, or confer power by subordinate legislation to create, an offence in a listed category.
- (2) The listed categories of offences are—
- (a) treason and related offences;
 - (b) homicide offences (including offences relating to suicide) and other offences against the person (including offences involving violence or threats of violence) that are triable only on indictment;
 - (c) sexual offences (including offences relating to indecent or pornographic images);
 - (d) offences of a kind dealt with by the Perjury Act 1911.
- (3) A provision of an Act of the Assembly cannot make modifications of, or confer power by subordinate legislation to make modifications of, the law about—
- (a) criminal responsibility and capacity,
 - (b) the meaning of intention, recklessness, dishonesty and other mental elements of offences,
 - (c) inchoate and secondary criminal liability, or
 - (d) sentences and other orders and disposals in respect of defendants in criminal proceedings, or otherwise in respect of criminal conduct, and their effect and operation.
- (4) For the purposes of this paragraph, a modification of the law relating to defences to an offence is a modification of the offence.

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(5) This paragraph does not affect the reservation, by virtue of Schedule 7A, of the creation or modification of offences in relation to reserved matters.

(See also paragraph 8 of that Schedule (single legal jurisdiction of England and Wales).)]

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