
DRAFT STATUTORY INSTRUMENTS

2021 No.

The Government of Wales Act 2006 (Amendment) Order 2021

Amendment of paragraph 9 of Schedule 7B to the 2006 Act

4.—(1) Paragraph 9 (exceptions to the restrictions in paragraph 8) of Schedule 7B to the 2006 Act is amended as follows.

(2) After sub-paragraph (2)(h), insert—

“,

(i) the Controller of Plant Variety Rights⁽¹⁾

(3) In sub-paragraph (4)(a), omit “(within the meaning of paragraph 6 of Schedule 7A)”.

(4) After sub-paragraph (4), insert—

“(4A) In sub-paragraph (4)(a), a “devolved function” is a function involving deciding an application or an appeal in relation to a matter that is not a reserved matter, but this does not include the function of deciding an appeal from a court or from a tribunal to which paragraph 9 of Schedule 7A applies (tribunals other than devolved tribunals).”.

(5) After sub-paragraph (7), insert—

“(8) Paragraph 8(1)(c) does not apply to a provision of an Act of the Senedd which removes, or confers power by subordinate legislation to remove, a function specifically exercisable in relation to a Minister of the Crown where that function is the giving of consent by the Welsh Ministers and that function—

(a) exists to any extent by virtue of regulations made under sections 8 to 8C of the European Union (Withdrawal) Act 2018⁽²⁾; or

(b) is conferred by, or by regulations made under—

(i) the European Union (Withdrawal Agreement) Act 2020⁽³⁾;

(ii) the Direct Payments to Farmers (Legislative Continuity) Act 2020⁽⁴⁾;

(iii) the Coronavirus Act 2020⁽⁵⁾;

(iv) the Agriculture Act 2020⁽⁶⁾;

(v) the Fisheries Act 2020⁽⁷⁾; or

(vi) an Act of Parliament resulting from the Trade Bill that was introduced into the House of Commons on 19th March 2020.

(9) Paragraph 8(1)(c) does not apply to a provision of an Act of the Senedd which removes, or confers power by subordinate legislation to remove, a function specifically

(1) See section 2 of the Plant Varieties Act 1997 (c. 66).

(2) >2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”). Section 8A was inserted by section 3 of the 2020 Act, section 8B was inserted by section 18 of the 2020 Act and section 8C was inserted by section 21 of the 2020 Act.

(3) 2020 c. 1.

(4) 2020 c. 2.

(5) 2020 c. 7.

(6) >2020 c. 21.

(7) 2020 c. 22.

exercisable in relation to a Minister of the Crown where that function is the seeking of consent, or consultation, by the Welsh Ministers, in relation to the exercise by the Welsh Ministers of a function that is to any extent exercisable concurrently with a Minister of the Crown, and is conferred by, or by regulations made under—

- (a) the European Union (Withdrawal Agreement) Act 2020;
- (b) the Fisheries Act 2020; or
- (c) an Act of Parliament resulting from the Trade Bill that was introduced into the House of Commons on 19th March 2020.”.