



Government of Wales Act 1998

1998 CHAPTER 38

PART I

THE NATIONAL ASSEMBLY FOR WALES

The Assembly

1 The Assembly.

F1

Textual Amendments

F1 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

2 Membership.

F2

Textual Amendments

F2 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

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Ordinary elections

3 Time of ordinary elections.

F3

Textual Amendments

F3 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

4 Voting at ordinary elections.

F4

Textual Amendments

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5 Party lists and individual candidates.

F5

Textual Amendments

F5 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

6 Calculation of electoral region figures.

F6

Textual Amendments

F6 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007)

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7 Return of electoral region members.

F7

Textual Amendments

F7 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

Vacancies

8 Constituency seats.

F8

Textual Amendments

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9 Electoral region seats.

F9

Textual Amendments

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The franchise and conduct of elections

10 Entitlement to vote.

F10

Textual Amendments

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11 Power to make provision about elections etc.

F11

Textual Amendments

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Disqualification

12 Disqualification from being Assembly member.

F12

Textual Amendments

F12 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

12 Disqualification from being Assembly member. U.K.

[^{F254}(1) A person is disqualified from being an Assembly member if—
(a) he is disqualified from being a member of the House of Commons under paragraphs (a) to (e) of section 1(1) of the ^{M14}House of Commons

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- Disqualification Act 1975 (judges, civil servants, members of the armed forces, members of police forces and members of foreign legislatures),
- (b) he holds any of the offices for the time being designated by Order in Council as offices disqualifying persons from being Assembly members,
- (c) he holds the office of Auditor General for Wales^{F255} . . . ,
- [^{F256}(ca) he holds the office of Public Services Ombudsman for Wales;]or
- (d) he is disqualified from being a member of a local authority under section 17(2)(b) or 18(7) of the^{M15} Audit Commission Act 1998 (members of local authorities who are responsible for incurring or authorising unlawful expenditure or whose wilful misconduct has caused a loss or deficiency).
- (2) Subject to section 13(1) and (2), a person is also disqualified from being an Assembly member if he is disqualified otherwise than under the^{M16} House of Commons Disqualification Act 1975 (either generally or in relation to a particular constituency) from being a member of the House of Commons or from sitting and voting in it.
- (3) For the purposes of subsection (2) the references to the Republic of Ireland in section 1 of the Representation of the^{M17} People Act 1981 (disqualification of offenders detained in, or unlawfully at large from detention in, the British Islands or the Republic of Ireland) shall be treated as references to any member State (other than the United Kingdom).
- (4) A person who holds office as lord-lieutenant, lieutenant or high sheriff of any area in Wales is disqualified from being an Assembly member for any Assembly constituency or Assembly electoral region wholly or partly included in that area.
- (5) An Order in Council under paragraph (b) of subsection (1) may designate particular offices or offices of any description and may designate an office by reference to any characteristic of a person holding it; and in that paragraph and this subsection “office” includes any post or employment.
- (6) No recommendation shall be made to Her Majesty in Council to make an Order in Council under subsection (1)(b) unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, each House of Parliament.
- (7) But subsection (6) does not apply in the case of an Order in Council varying or revoking a previous Order in Council if the Assembly has resolved that the Secretary of State be requested to recommend the making of the Order in Council.]

Textual Amendments

- F254** S. 12 repealed (25.7.2006 insofar as relating to s.12(1)(d)) by [Government of Wales Act 2006](#) (c. 32), ss. 161(2), 163, [Sch. 12](#) (with [Sch. 11](#))
- F255** Words in s. 12(1)(c) repealed (12.10.2005 for certain purposes, otherwise 1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005](#) (c. 10), ss. 39, 40, [Sch. 6 para. 62\(a\)](#), [Sch. 7](#); S.I. 2005/2800, [arts. 3, 5](#), [Sch. 1 Pt. 1](#)
- F256** S. 12(1)(ca) inserted (12.10.2005 for certain purposes, otherwise 1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005](#) (c. 10), ss. 39, 40, [Sch. 6 para. 62\(b\)](#); S.I. 2005/2800, [arts. 3, 5](#), [Sch. 1 Pt. 1](#)

Marginal Citations

- M14** 1975 c. 24.
M15 1998 c. 18.

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- M16 1975 c. 24.
- M17 1981 c. 34.

13 Exceptions and relief from disqualification.

F13

Textual Amendments

F13 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

14 Effect of disqualification.

F14

Textual Amendments

F14 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

15 Judicial proceedings as to disqualification.

F15

Textual Amendments

F15 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

Remuneration, oaths etc.

16 Salaries and allowances.

F16

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Textual Amendments

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17 Limit on salaries of members of other public bodies.

F17

Textual Amendments

F17 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

18 Pensions etc.

F18

Textual Amendments

F18 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

19 Publication of information about remuneration paid.

F19

Textual Amendments

F19 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

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20 Oath or affirmation of allegiance.

F20

Textual Amendments

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PART II

ASSEMBLY FUNCTIONS

Commencement Information

II Part II (ss. 21-45) in force at 1.12.1998 by [S.I. 1998/2789](#), [art. 2](#)

Introduction

21 Introductory.

F21

Textual Amendments

F21 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

Transfer of Ministerial functions to Assembly

22 Transfer of Ministerial functions.

F22

Textual Amendments

F22 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

23 General transfer of property, rights and liabilities etc.

F23

Textual Amendments

F23 Ss. 1-26 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

24 General transfer: supplementary.

F24

Textual Amendments

F24 Ss. 1-26 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

25 Power to make specific transfers etc.

F25

Textual Amendments

F25 Ss. 1-26 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

26 Transfers of property: supplementary.

F26

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Other functions

27 Reform of Welsh health authorities.

- (1) ^{F27}
- (2) ^{F27}
- (3) ^{F27}
- (4) ^{F27}
- (5) ^{F27}
- (6) ^{F28}
- (7) ^{F28}
- (8) ^{F29}
- (9) ^{F29}
- (10) ^{F29}

Textual Amendments

F27 [S. 27\(2\)-\(5\)](#) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

F28 [S. 27\(6\)\(7\)](#) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), **Sch. 4** (subject to s. 8) (with [Sch. 2](#), [Sch. 3](#))

F29 [S. 27\(8\)-\(10\)](#) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

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28 Reform of other Welsh public bodies.

- (1) The [^{F30}Welsh Ministers] may by order make, in relation to any one or more of the statutory functions of a body specified in Part I or II of Schedule 4, provision for the transfer of the function or functions—
 - (a) to a body specified in Part I or III of that Schedule,
 - (b) to a body specified in Part II or IV of that Schedule if that body consents to the transfer to it of the function or functions,
 - (c) to a county council, county borough council or community council in Wales (or to more than one such council), or
 - (d) to the [^{F30}Welsh Ministers] .
- (2) Where the [^{F30}Welsh Ministers][^{F31}consider] that, if a statutory function of a body specified in Part I or II of Schedule 4 were transferred to a body within any of paragraphs (a) to (d) of subsection (1) by an order under that subsection, that body—
 - (a) would not be able to exercise the function because the function requires or permits something to be done in relation to that body, or
 - (b) could by exercising another of its functions do what the function would require or permit that body to do,the [^{F30}Welsh Ministers] may by order make provision for the abolition of the function.
- (3) Where each of the statutory functions of a body specified in Part I or II of Schedule 4 is transferred or abolished by an order under subsection (1) or (2), the [^{F30}Welsh Ministers] may by order make provision—
 - (a) for the abolition of the body if it is a body specified in Part I of that Schedule, or
 - (b) for the abolition of the duty to recognise the body if it is a body specified in Part II of that Schedule.
- (4) An order under subsection (1), (2) or (3)(a) making provision in relation to a body specified in Part I of Schedule 4 may include provision for the transfer of staff of the body and of any property, rights and liabilities to which the body is entitled or subject and may in particular—
 - (a) provide for the transfer of any property, rights or liabilities to have effect subject to exceptions or reservations specified in or determined under the order,
 - (b) provide for the creation of interests in, or rights over, property transferred or retained or for the creation of new rights and liabilities between the body and the transferee,
 - (c) provide for the order to have effect in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order, or
 - (d) make provision about property situated outside the United Kingdom or rights and liabilities arising otherwise than under the law of England and Wales.
- (5) Where by an order under subsection (1) or (2)—
 - (a) any function of a body specified in Part I of Schedule 4 is transferred or abolished, or
 - (b) any function is transferred to a body specified in Part I or III of that Schedule,the [^{F30}Welsh Ministers] may by order make provision altering the membership of the body.

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- (6) An order under subsection (3)(a) making provision for the abolition of a body may include provision for the abolition of any duty in compliance with which it was established or constituted.
- (7) An order under this section may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).
- [^{F32}(7A) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of the Assembly.]
- (8) In this section “statutory functions” means functions conferred or imposed by an enactment (including an enactment which is contained in an Act passed after this Act or is made after the passing of this Act).

Textual Amendments

F30 Words in [s. 28](#) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161 {Sch. 10 para. 42(2)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(4\)\(c\)\(5\)](#) of the amending Act.

F31 Word in [s. 28\(2\)](#) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161 {Sch. 10 para. 42(3)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(4\)\(c\)\(5\)](#) of the amending Act.

F32 [S. 28\(7A\)](#) inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161 {Sch. 10 para. 42(4)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(4\)\(c\)\(5\)](#) of the amending Act.

29 Implementation of Community law.

^{F33}

Textual Amendments

F33 [S. 29](#) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

30 Consultation about public appointments.

^{F34}

Textual Amendments

F34 [S. 30](#) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007)

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subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

31 Consultation about government's legislative programme.

F35

Textual Amendments

F35 S. 31 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

32 Support of culture etc.

F36

Textual Amendments

F36 S. 32 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

33 Consideration of matters affecting Wales.

F37

Textual Amendments

F37 S. 33 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

Ancillary powers etc.

34 Staff.

F38

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Textual Amendments

F38 S. 34 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

[^{F39} **34A Assistance to groups of Assembly members.**

^{F40}

Textual Amendments

F39 S. 34A inserted (30.11.2000) by [2000 c. 41](#), ss. 158(1), 163(3)(b), [Sch. 21 para. 12\(4\)](#) (with [s. 156\(6\)](#))

F40 S. 34A repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

35 Inquiries.

^{F41}

Textual Amendments

F41 S. 35 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

36 Polls for ascertaining views of the public.

^{F42}

Textual Amendments

F42 S. 36 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

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37 Private bills.

F43

Textual Amendments

F43 S. 37 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

38 Legal proceedings.

F44

Textual Amendments

F44 S. 38 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

39 Contracts.

F45

Textual Amendments

F45 S. 39 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

40 Supplementary powers.

F46

Textual Amendments

F46 S. 40 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

41 Agency arrangements and provision of services.

F47

Textual Amendments

F47 S. 41 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

[^{F48} **41A Co-operation with the Auditor General for Wales**

F49]

Textual Amendments

F48 S. 41A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), ss. 66, 73, **Sch. 2 para. 43**; S.I 2005/558, art. 2, {Sch. 1} (subject to Sch. 2)

F49 S. 41A repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

Supplementary

42 Different exercise of functions by Assembly.

F50

Textual Amendments

F50 S. 42 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

43 Construction of references to Ministers and departments.

F51

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Textual Amendments

F51 S. 43 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

44 Parliamentary procedures for subordinate legislation.

F52

Textual Amendments

F52 S. 44 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

45 Laying of reports and statements.

F53

Textual Amendments

F53 S. 45 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

PART III

ASSEMBLY PROCEDURE

Commencement Information

I2 Part III wholly in force: Ss. 50, 51 in force at Royal assent, see [s. 158](#); [Ss. 46-49, 52-79](#) in force at 1.12.1998 by [S.I. 1998/2789](#), [art. 2](#)

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Introductory

46 Regulation of procedure.

F54

Textual Amendments

F54 S. 46 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

47 Equal treatment of English and Welsh languages.

F55

Textual Amendments

F55 S. 47 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

48 Equal opportunities in conduct of business.

F56

Textual Amendments

F56 S. 48 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

Initial provisions

49 First meeting.

F57

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Textual Amendments

F57 S. 49 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

50 First standing orders.

F58

Textual Amendments

F58 S. 50 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

51 The Commissioners.

F59

Textual Amendments

F59 S. 51 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

Offices and committees

52 Presiding officer and deputy.

F60

Textual Amendments

F60 S. 52 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

53 Assembly First Secretary and Assembly Secretaries.

F61

Textual Amendments

F61 S. 53 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

54 Committees.

F62

Textual Amendments

F62 S. 54 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

55 Sub-committees.

F63

Textual Amendments

F63 S. 55 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

The statutory committees

56 Executive committee.

F64

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Textual Amendments

F64 S. 56 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

57 Subject committees.

F65

Textual Amendments

F65 S. 57 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

58 Subordinate legislation scrutiny committee.

F66

Textual Amendments

F66 S. 58 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

59 Members of scrutiny committee etc.

F67

Textual Amendments

F67 S. 59 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

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60 Audit Committee.

F68

Textual Amendments

F68 S. 60 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

61 Regional committees.

F69

Textual Amendments

F69 S. 61 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

Delegation

62 Delegation of functions.

F70

Textual Amendments

F70 S. 62 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

63 Exercise of functions by Assembly staff.

F71

Textual Amendments

F71 S. 63 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007)

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subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

Procedures relating to subordinate legislation

64 Standing orders to provide procedures.

F72

Textual Amendments

F72 S. 64 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

65 Regulatory appraisals.

F73

Textual Amendments

F73 S. 65 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

66 Making of Assembly general subordinate legislation.

F74

Textual Amendments

F74 S. 66 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

67 Disapplication of procedural requirements.

F75

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Textual Amendments

F75 S. 67 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

68 Financial initiative.

F76

Textual Amendments

F76 S. 68 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

Other provisions about standing orders

69 Preservation of order.

F77

Textual Amendments

F77 S. 69 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

70 Openness.

F78

Textual Amendments

F78 S. 70 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

71 Participation of Assembly members.

F79

Textual Amendments

F79 S. 71 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

72 Integrity.

F80

Textual Amendments

F80 S. 72 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

73 Publication.

F81

Textual Amendments

F81 S. 73 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

Evidence and documents relating to public bodies

74 Power to require attendance and production of documents.

F82

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Textual Amendments

F82 S. 74 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

75 Witnesses and documents: supplementary.

F83

Textual Amendments

F83 S. 75 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

Miscellaneous

76 Attendance of Secretary of State for Wales.

F84

Textual Amendments

F84 S. 76 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

77 Defamation.

F85

Textual Amendments

F85 S. 77 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

78 Contempt of court.

F86

Textual Amendments

F86 S. 78 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

79 Corrupt practices.

F87

Textual Amendments

F87 S. 79 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

PART IV

ASSEMBLY FINANCE

Commencement Information

I3 Part IV partly in force: Ss. 80-103 in force at 1.12.1998 by [S.I. 1998/2789](#), [art. 2](#)

Payments to Assembly etc.

80 Grants to Assembly.

F88

Textual Amendments

F88 S. 80 repealed (1.4.2007) by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161(3), 163, [Sch. 12](#) (with [Sch. 11](#))

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81 Statement of estimated payments etc.

F89

Textual Amendments
F89 S. 81 repealed (25.7.2006) by Government of Wales Act 2006 (c. 32), ss. 161(2), 163, Sch. 12 (with Sch. 11)

82 Loans to Assembly by Secretary of State.

F90

Textual Amendments
F90 S. 82 repealed (1.4.2007) by Government of Wales Act 2006 (c. 32), ss. 161(3), 163, Sch. 12 (with Sch. 11)

83 Accounts relating to loans under section 82.

F91

Textual Amendments
F91 S. 83 repealed by Government of Wales Act 2006 (c. 32), s. 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

84 Destination of receipts etc.

F92

Textual Amendments
F92 S. 84 repealed (1.4.2007) by Government of Wales Act 2006 (c. 32), ss. 161(3), 163, Sch. 12 (with Sch. 11)

Expenditure by Assembly etc.

85 Expenditure by Assembly.

F93

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Textual Amendments

F93 S. 85(1) repealed (1.4.2007) by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161(3), 163, [Sch. 12](#) (with [Sch. 11](#)) and s. 85(2)(3) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

86 Statement of proposed expenditure etc.

F94

Textual Amendments

F94 S. 86 repealed (25.7.2006) by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161(2), 163, [Sch. 12](#) (with [Sch. 11](#))

87 National Loans Fund lending.

F95

Textual Amendments

F95 S. 87 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

88 Accounts relating to funds paid to Assembly for lending.

F96

Textual Amendments

F96 S. 88 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

89 Source of sums paid by Assembly.

F97

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Textual Amendments

F97 S. 89 repealed (1.4.2007) by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161(3), 163, [Sch. 12](#) (with [Sch. 11](#))

The Auditor General for Wales

90 Auditor General for Wales.

F98

Textual Amendments

F98 S. 90 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

91 Remuneration.

F99

Textual Amendments

F99 S. 91 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

92 Staff etc.

F100

Textual Amendments

F100 S. 92 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

93 [^{F101}Expenses and accounts].

F102

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Textual Amendments

- F101** S. 93: side-note substituted (1.4.2005) by virtue of [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), [ss. 7, 73](#); [S.I. 2005/558, art. 2](#), [Sch. 1](#) (subject to [Sch. 2 para. 1](#))
- F102** S. 93 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

[^{F103}93A Fees

F104]

Textual Amendments

- F103** S. 93A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), [ss. 7, 73](#); [S.I. 2005/558, art. 2](#), [Sch. 1](#) (subject to [Sch. 2 para. 1](#))
- F104** S. 93A repealed by [Government of Wales Act 2006 \(c. 32\)](#), [ss. 161, 163](#), [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

94 Audit of Auditor General's accounts.

F105

Textual Amendments

- F105** S. 94 repealed by [Government of Wales Act 2006 \(c. 32\)](#), [ss. 161, 163](#), [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

[^{F106}94A Accounting officer

F107]

Textual Amendments

- F106** S. 94A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), [ss. 10, 73](#); [S.I. 2005/558, art. 2](#), [Sch. 1](#)
- F107** S. 94A repealed by [Government of Wales Act 2006 \(c. 32\)](#), [ss. 161, 163](#), [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007)

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subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

95 Access to documents by Auditor General

F108

Textual Amendments

F108 S. 95 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

96 Auditor General for Wales: miscellaneous.

F109

Textual Amendments

F109 S. 96 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

[^{F110}96A Reports in public interest

F111

Textual Amendments

F110 Ss. 96A-96C inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), ss. 2, 73; S.I. 2005/558, art. 2, [Sch. 1](#)

F111 S. 96A repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

96B Certification of claims, returns etc.

F112

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Textual Amendments

F110 Ss. 96A-96C inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), **ss. 2, 73**; S.I. 2005/558, art. 2, **Sch. 1**

F112 [S. 96B](#) repealed by [Government of Wales Act 2006 \(c. 32\)](#), **ss. 161, 163**, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

96C Ancillary powers of Auditor General

F113]

Textual Amendments

F110 Ss. 96A-96C inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), **ss. 2, 73**; S.I. 2005/558, art. 2, **Sch. 1**

F113 [S. 96C](#) repealed by [Government of Wales Act 2006 \(c. 32\)](#), **ss. 161, 163**, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

Financial accountability of Assembly etc.

97 Preparation and audit of Assembly's annual accounts.

F114

Textual Amendments

F114 [S. 97](#) repealed by [Government of Wales Act 2006 \(c. 32\)](#), **s. 163**, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

98 Accounting officers.

F115

Textual Amendments

F115 [S. 98](#) repealed by [Government of Wales Act 2006 \(c. 32\)](#), **ss. 161, 163**, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007)

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subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

99 Accounts of Assembly subsidiaries etc.

F116

Textual Amendments

F116 S. 99 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

100 Examinations into Assembly’s use of resources.

F117

Textual Amendments

F117 S. 100 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

101 Examinations by Comptroller and Auditor General.

F118

Textual Amendments

F118 S. 101 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

[^{F119}101A Whole of Government of Wales accounts.

F120]

Status: Point in time view as at 01/04/2014.

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Textual Amendments

F119 S. 101A inserted (22.12.2000 for certain purposes and 1.4.2001 otherwise) by 2000 c. 20, s. 29, **Sch. 1 para. 24**; S.I. 2000/3349, **arts. 2, 3**

F120 S. 101A repealed by **Government of Wales Act 2006 (c. 32)**, s. 163, **Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see **ss. 46, 161(1)(4)-(6)** of the amending Act.

102 Audit Committee reports.

F121

Textual Amendments

F121 S. 102 repealed by **Government of Wales Act 2006 (c. 32)**, **ss. 161, 163, Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see **ss. 46, 161(1)(4)-(6)** of the amending Act.

103 Publication of accounts and audit reports etc.

F122

Textual Amendments

F122 S. 103 repealed by **Government of Wales Act 2006 (c. 32)**, **ss. 161, 163, Sch. 12** (with **Sch. 11**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see **ss. 46, 161(1)(4)-(6)** of the amending Act.

Funding of school inspections and forestry in Wales

104 [^{F123}Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.]

- (1) The provision of funding for [^{F123}Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru] ("the Chief Inspector") shall be the responsibility of the [^{F124}Welsh Ministers] .
- (2) What subsection (1) requires of the [^{F124}Welsh Ministers] is that [^{F125}they] shall provide such funding for the Chief Inspector as [^{F126}they consider] appropriate.

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- (3) In deciding what funding [^{F127}they consider] appropriate to provide for the Chief Inspector, the [^{F124}Welsh Ministers] shall have regard in particular to what [^{F127}they consider] the Chief Inspector needs to spend in order to discharge his functions effectively.
- (4) The [^{F124}Welsh Ministers] shall before the beginning of each financial year consult the Chief Inspector about the funding [^{F128}they are] to provide for him in that financial year ^{F129} . . .
- [^{F130}(4A) The [^{F124}Welsh Ministers] shall—
- (a) approve the plan submitted to [^{F131}them] under section 87 of the Learning and Skills Act 2000; and
 - (b) determine the amount of the funding [^{F132}they are] to provide under this section in accordance with the plan as approved by [^{F133}them] .
- (4B) But before [^{F134}they give their] approval under subsection (4A)(a), the [^{F124}Welsh Ministers] may require the Chief Inspector to modify the plan.]
- (5) ^{F135}
- (6) Schedule 6 (which makes further provision about the Chief Inspector) has effect.

Textual Amendments

- F123** Words in sidenote and s. 104(1) substituted (1.1.2001) by 2000 c. 21, s. 73(3)(a); S.I. 2000/3230, art. 2, Sch.
- F124** Words in s. 104 substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(2)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F125** Word in s. 104(2) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(3)(a)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F126** Words in s. 104(2) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(3)(b)} (with Sch. 11 para. 22), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F127** Words in s. 104(3) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(4)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F128** Words in s. 104(4) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(5)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F129** Words in s. 104(4) repealed (1.1.2001) by 2000 c. 21, ss. 149, 153, Sch. 9 para. 92(2), Sch. 11; S.I. 2000/3230, art. 2, Sch.
- F130** S. 104(4A)(4B) inserted (1.1.2001) by 2000 c. 21, s. 149, Sch. 9 para. 92(3); S.I. 2000/3230, art. 2, Sch.
- F131** Word in s. 104(4A) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(6)(a)} (with Sch. 11), the amending provision coming into force immediately after the end of

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"the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act

F132 Words in s. 104(4A) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(6)(b)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act

F133 Words in s. 104(4A) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(6)(a)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act

F134 Words in s. 104(4B) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 43(7)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act

F135 S. 104(5) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 43(7), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act

Modifications etc. (not altering text)

C1 S. 104(4) amended (1.1.2001) by 2000 c. 21, s. 87(1); S.I. 2000/3230, art. 2, Sch.

Commencement Information

I4 S. 104 wholly in force at 1.7.1999; s. 104 not in force at Royal Assent; s. 104(6) in force for certain purposes at 1.5.1999 and s. 104 wholly in force at 1.7.1999 by S.I. 1999/1290, arts. 3, 4

^{F136}105 Forestry Commissioners.

.....

Textual Amendments

F136 S. 105 omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of The Natural Resources Body for Wales (Consequential Provision) Order 2013 (S.I. 2013/1821), arts. 1(2), 15(2) (with arts. 24, 27)

Commencement Information

I5 S. 105 wholly in force at 14.5.2001; s. 105 not in force at Royal Assent; s. 105(5) in force for certain purposes at 1.4.1999 by S.I. 1999/782, art. 2; s. 105(1)-(4) in force and s. 105(5) in force in so far as not already in force at 14.5.2001 by S.I. 2001/1756, art. 2

PART V

OTHER PROVISIONS ABOUT THE ASSEMBLY

Commencement Information

I6 Part V partly in force: Ss. 106, 108-110, 113-115, 119-124 in force at 1.12.1998 by S.I. 1998/2789, art. 2

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Community law, human rights and international obligations

106 Community law.

F137

Textual Amendments

F137 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

107 Human rights.

F138

Textual Amendments

F138 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

108 International obligations.

F139

Textual Amendments

F139 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

Decisions about Assembly functions

109 Resolution of devolution issues.

F140

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Textual Amendments

F140 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

110 Power to vary retrospective decisions.

F141

Textual Amendments

F141 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

Investigation of complaints

111 Welsh Administration Ombudsman.

F142

Textual Amendments

F142 [S. 111](#) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), ss. 39, 40, [Sch. 6](#) para. 65, [Sch. 7](#); [S.I. 2005/2800](#), [art. 5\(1\)](#)

112 Amendments of Health Service Commissioners Act 1993.

F143

Textual Amendments

F143 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

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Local government, the voluntary sector and business

113 Relations with local government.

F144

Textual Amendments

F144 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

114 Relations with voluntary organisations.

F145

Textual Amendments

F145 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

115 Consultation with business.

F146

Textual Amendments

F146 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

Welsh public records

116 Status of Welsh public records.

F147

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Textual Amendments

F147 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

117 Transfer of responsibility.

F148

Textual Amendments

F148 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

118 Meaning of “Welsh public records”.

F149

Textual Amendments

F149 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

Miscellaneous

119 Publication and inspection of documents.

F150

Textual Amendments

F150 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

120 Equality of opportunity.

F151

Textual Amendments

F151 Ss. 106-124 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

121 Sustainable development.

F152

Textual Amendments

F152 Ss. 106-124 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

122 English and Welsh texts of Assembly instruments.

F153

Textual Amendments

F153 Ss. 106-124 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

123 Provision of information to Treasury.

F154

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Textual Amendments

F154 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

124 Documentary evidence.

F155

Textual Amendments

F155 Ss. 106-124 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, **Sch. 12** (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

125 Minor and consequential amendments.

Schedule 12 (minor and consequential amendments relating to Parts I to IV and this Part) has effect.

Commencement Information

I7 [S. 125](#) partly in force; [s. 125](#) not in force at Royal Assent see [s. 158](#); [s. 125](#) in force for certain purposes at 1.2.1999 by [S.I. 1999/118](#), **art. 2**; [s. 125](#) in force for certain purposes at 1.4.1999 by [S.I. 1999/782](#), **art. 2**; [s. 125](#) in force for certain purposes at 1.7.1999 by [S.I. 1999/1290](#), **art. 4**

PART VI

REFORM OF WELSH PUBLIC BODIES

The Welsh Development Agency

126 Extension of functions.

- (1) Section 1 of the ^{M1}Welsh Development Agency Act 1975 (functions of Agency and purposes for which they may be exercised) is amended as follows.
- (2) In subsection (2) (purposes for which functions may be exercised)—
 - (a) in paragraph (a) (furtherance of economic development of Wales or a part of Wales), after “economic” insert “ and social ”, and

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- (b) in paragraph (b) (promotion of industrial efficiency in Wales), for “industrial efficiency” substitute “ efficiency in business ”.
- (3) In subsection (3) (functions)—
 - (a) in paragraph (a) (promotion of Wales as location of industrial development), for “of industrial development” substitute “ for businesses ”,
 - (b) in paragraphs (b), (c), (f), (g) and (j) (functions relating to industrial undertakings), for “industrial undertakings” (in each place) substitute “ businesses ”,
 - (c) in paragraph (d) (promotion etc. of an industry or an undertaking in an industry), for “an industry or any undertaking in an industry” substitute “ businesses, or a particular business or particular businesses ”, and
 - (d) after that paragraph insert—
 - “(da) to make land available for development;”.
- (4) In subsection (8) (power to make grants not to be used in connection with functions of providing finance for carrying on of industrial undertakings), for “shall not be used in connection with those functions” substitute “ may only be exercised in connection with those functions in accordance with a programme approved by the Secretary of State under subsection (15) below ”.

Marginal Citations

M1 1975 c. 70.

127 Land acquisition and disposal etc.

Schedule 13 (amendments of Welsh Development Agency Act 1975 and other enactments for conferring on Welsh Development Agency functions relating to the acquisition of land etc.) has effect.

128 Other amendments.

Schedule 14 (other amendments relating to Welsh Development Agency) has effect.

The Development Board for Rural Wales

129 Cessation of functions.

- (1) The functions of the Development Board for Rural Wales shall cease to exist.
- (2) Schedule 15 (amendments of enactments relating to that Board in consequence of subsection (1)) has effect.

130 Transfer of property, staff etc. to Welsh Development Agency.

- (1) There shall be transferred to and vest in the Welsh Development Agency by virtue of this subsection all property, rights and liabilities to which the Development Board for Rural Wales is entitled or subject when the functions of that Board cease to exist.

Status: Point in time view as at 01/04/2014.

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- (2) A certificate issued by the Secretary of State that any property has been transferred by subsection (1) shall be conclusive evidence of the transfer.
- (3) Subsection (1) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.
- (4) Subsection (1) does not have effect to continue in force any contract of employment; but the Secretary of State may by order make provision for the transfer of staff of the Development Board for Rural Wales.
- (5) An order under subsection (4) may make any appropriate consequential, incidental, supplementary or transitional provisions or savings.

Commencement Information

I8 S. 130 wholly in force; s. 130 not in force at Royal Assent see s. 158; s. 130(1)-(3) in force at 1.10.2000 by S.I. 1998/2244, art. 4; s. 130(4)(5) in force at 2.9.2000 by S.I. 1998/2244, art. 3

131 Transitional provisions.

- (1) Nothing in section 129 or Schedule 15, or in any repeal made by this Act, affects the validity of anything done by or in relation to the Development Board for Rural Wales before its functions cease to exist.
- (2) There may be continued by or in relation to the Welsh Development Agency anything (including legal proceedings) which—
 - (a) relates to any of the functions of the Development Board for Rural Wales or to any property, rights or liabilities transferred by section 130(1), and
 - (b) is in the process of being done by or in relation to that Board when its functions cease to exist.
- (3) Anything which—
 - (a) was done by the Development Board for Rural Wales for the purpose of or in connection with any of its functions or any property, rights or liabilities transferred by section 130(1), and
 - (b) is in effect immediately before its functions cease to exist,shall have effect as if done by the Welsh Development Agency.
- (4) The Welsh Development Agency shall be substituted for the Development Board for Rural Wales in any instruments, contracts or legal proceedings which—
 - (a) relate to any of the functions of that Board or to any property, rights or liabilities transferred by section 130(1), and
 - (b) are made or commenced before its functions cease to exist.

132 Winding-down.

F156

Status: Point in time view as at 01/04/2014.

Changes to legislation: Government of Wales Act 1998 is up to date with all changes known to be in force on or before 23 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

F156 S. 132 omitted (23.11.2005) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), art. 7(1), **Sch. 2 Pt. 1 para. 11** (with art. 3(1))

133 Abolition etc.

- (1) The Development Board for Rural Wales shall cease to exist when the Secretary of State, being satisfied that its duties under section 132 have been discharged, by order so directs.
- (2) No amendment or repeal made by this Act or by virtue of subsection (3) affects—
 - (a) the continuance of the Development Board for Rural Wales for the purpose of exercising its functions under section 132, or
 - (b) the continued operation for that purpose of any enactment relating to the Development Board for Rural Wales.
- (3) The Secretary of State may by order make any consequential, incidental, supplementary or transitional provisions, and any savings, which appear to him to be appropriate in consequence of or otherwise in connection with—
 - (a) the functions of the Development Board for Rural Wales ceasing to exist under section 129,
 - (b) the transfer of property, rights and liabilities of that Board by section 130(1),
 - (c) the abolition of that Board, or
 - (d) the repeal by this Act of any provision of the ^{M2}Development of Rural Wales Act 1976.
- (4) An order under subsection (3) may include provisions in the form of amendments or repeals of any of sections 129 to 132, Schedule 15 or any other enactment.

Commencement Information

I9 S. 133 wholly in force; s. 133 not in force at Royal Assent see s. 158; s. 133(3)(4) in force at 2.9.1998 and s. 133(1)(2) in force at 1.10.1998 by [S.I. 1998/2244](#), **arts. 3, 4**

Marginal Citations

M2 1976 c. 75.

The Land Authority for Wales

134 Cessation of functions.

The functions of the Land Authority for Wales shall cease to exist.

135 Consequential amendments.

- (1) The following amendments relating to the Land Authority for Wales have effect in consequence of section 134.

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- (2) In—
- (a) paragraph 1(2)(xxiv) of Schedule 25 to the ^{M3}Water Act 1989,
 - (b) paragraph 1(1)(iv) of Schedule 16 to the ^{M4}Electricity Act 1989, and
 - (c) paragraph 2(1)(xxviii) of Schedule 4 to the ^{M5}Gas Act 1995,
- (which deem persons to be statutory undertakers for the purposes of certain enactments), for “Parts XII and” substitute “ Part ”.
- (3) In section 31(1)(c) of the ^{M6}Acquisition of Land Act 1981 (acquisition under certain provisions of statutory undertakers’ land without a certificate), for “said Act of” substitute “ Local Government, Planning and Land Act ”.

Marginal Citations

- M3** 1989 c. 15.
M4 1989 c. 29.
M5 1995 c. 45.
M6 1981 c. 67.

136 Transfer of property, staff etc. to Welsh Development Agency.

- (1) There shall be transferred to and vest in the Welsh Development Agency by virtue of this subsection all property, rights and liabilities to which the Land Authority for Wales is entitled or subject when the functions of that Authority cease to exist.
- (2) A certificate issued by the Secretary of State that any property has been transferred by subsection (1) shall be conclusive evidence of the transfer.
- (3) Subsection (1) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.
- (4) Subsection (1) does not have effect to continue in force any contract of employment; but the Secretary of State may by order make provision for the transfer of staff of the Land Authority for Wales.
- (5) An order under subsection (4) may make any appropriate consequential, incidental, supplementary or transitional provisions or savings.

Commencement Information

- I10** S. 136 wholly in force; s. 136 not in force at Royal Assent see s. 158; s. 136(4)(5) in force at 2.9.1998 and s. 136(1)-(3) in force at 1.10.1998 by S.I. 1998/2244, arts. 3, 4

137 Transitional provisions.

- (1) Nothing in section 134 or 135, or in any repeal made by this Act, affects the validity of anything done by or in relation to the Land Authority for Wales before its functions cease to exist.
- (2) There may be continued by or in relation to the Welsh Development Agency anything (including legal proceedings) which—

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- (a) relates to any of the functions of the Land Authority for Wales or to any property, rights or liabilities transferred by section 136(1), and
 - (b) is in the process of being done by or in relation to that Authority when its functions cease to exist.
- (3) Anything which—
- (a) was done by the Land Authority for Wales for the purpose of or in connection with any of its functions or any property, rights or liabilities transferred by section 136(1), and
 - (b) is in effect immediately before its functions cease to exist,
- shall have effect as if done by the Welsh Development Agency.
- (4) The Welsh Development Agency shall be substituted for the Land Authority for Wales in any instruments, contracts or legal proceedings which—
- (a) relate to any of the functions of that Authority or to any property, rights or liabilities transferred by section 136(1), and
 - (b) are made or commenced before its functions cease to exist.

138 Winding-down.

F157

Textual Amendments

F157 S. 138 omitted (23.11.2005) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), art. 7(1), **Sch. 2 Pt. 1 para. 11** (with art. 3(1))

139 Abolition etc.

- (1) The Land Authority for Wales shall cease to exist when the Secretary of State, being satisfied that its duties under section 138 have been discharged, by order so directs.
- (2) No amendment or repeal made by this Act or by virtue of subsection (3) affects—
 - (a) the continuance of the Land Authority for Wales for the purpose of exercising its functions under section 138, or
 - (b) the continued operation for that purpose of any enactment relating to the Land Authority for Wales.
- (3) The Secretary of State may by order make any consequential, incidental, supplementary or transitional provisions, and any savings, which appear to him to be appropriate in consequence of or otherwise in connection with—
 - (a) the functions of the Land Authority for Wales ceasing to exist under section 134,
 - (b) the transfer of the property, rights and liabilities of that Authority by section 136(1), or
 - (c) the abolition of that Authority.
- (4) An order under subsection (3) may include provisions in the form of amendments or repeals of any of sections 134 to 138 or any other enactment.

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Commencement Information

- I11** S. 139 wholly in force; s. 139 not in force at Royal Assent see s. 158; s. 139(3)(4) in force at 2.9.1998 and s. 139(1)(2) in force at 1.10.1998 by S.I. 1998/2244, arts. 3, 4

Housing for Wales

140 Transfer of functions, property, staff etc. to Secretary of State.

- (1) The functions of Housing for Wales shall be transferred to the Secretary of State in accordance with the provisions of Schedule 16 which amends the enactments relating to that body for the purpose of—
 - (a) transferring its functions to the Secretary of State, and
 - (b) making provision consequential on the transfer.
- (2) There shall be transferred to and vest in the Secretary of State for Wales by virtue of this subsection all property, rights and liabilities to which Housing for Wales is entitled or subject when its functions are transferred to the Secretary of State in accordance with the provisions of Schedule 16.
- (3) A certificate issued by the Secretary of State that any property has been transferred by subsection (2) shall be conclusive evidence of the transfer.
- (4) Subsection (2) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that subsection.
- (5) Subsection (2) does not have effect to continue in force any contract of employment; but the Secretary of State may by order make provision for the transfer of staff of Housing for Wales.
- (6) An order under subsection (5) may make any appropriate consequential, incidental, supplementary or transitional provisions or savings.

Commencement Information

- I12** S. 140 wholly in force; s. 140 not in force at Royal Assent see s. 158; s. 140(5)(6) in force at 2.9.1998 and s. 140(1)-(4) in force at 1.11.1998 by S.I. 1998/2244, arts. 3, 5

141 Transitional provisions.

- (1) Nothing in section 140 or Schedule 16, or in any repeal made by this Act, affects the validity of anything done by or in relation to Housing for Wales before its functions are transferred.
- (2) There may be continued by or in relation to the Secretary of State for Wales anything (including legal proceedings) which—
 - (a) relates to any of the functions of Housing for Wales or to any property, rights or liabilities transferred by section 140(2), and
 - (b) is in the process of being done by or in relation to Housing for Wales when its functions are transferred.

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- (3) Anything which—
- (a) was done by Housing for Wales for the purpose of or in connection with any of its functions or by Housing for Wales or the Housing Corporation for the purpose of or in connection with any property, rights or liabilities transferred by section 140(2), and
 - (b) is in effect immediately before its functions are transferred,
- shall have effect as if done by the Secretary of State for Wales.
- (4) The Secretary of State for Wales shall be substituted—
- (a) for Housing for Wales in any instruments, contracts or legal proceedings which relate to any of the functions of Housing for Wales and are made or commenced before its functions are transferred, and
 - (b) for Housing for Wales or the Housing Corporation in any instruments, contracts or legal proceedings which relate to any property, rights or liabilities transferred by section 140(2) and are so made or commenced.

142 Winding-down.

- (1) Housing for Wales shall give to the Secretary of State all the information, prepare all the documents and do all other things which appear to the Secretary of State appropriate for the purpose of facilitating—
 - (a) the carrying into effect of sections 140, 141 and 143 and Schedule 16, or
 - (b) the exercise of any functions transferred to the Secretary of State by Schedule 16 or conferred or imposed on him by this section;

and Housing for Wales may do anything else which appears to it appropriate for that purpose.
- (2) Housing for Wales shall comply with section 78(1) and (2) (annual reports) and section 97(1) to (3) (accounts) of the ^{M7}Housing Associations Act 1985—
 - (a) in relation to the last financial year ending before its functions are transferred (if it has not done so before then), and
 - (b) in relation to the period between the end of that financial year and the time when its functions are transferred (to which period those provisions shall apply as if it were a financial year).
- (3) As from the time when the functions of Housing for Wales are transferred, the Secretary of State shall make available to Housing for Wales such facilities as it may reasonably require for exercising its functions under this section.
- (4) Section 78(3) of the ^{M8}Housing Associations Act 1985 (duty of Secretary of State to lay reports before Parliament) shall apply in relation to a report made pursuant to subsection (2).
- (5) Section 97(4) of that Act (duty of Secretary of State to prepare accounts) shall, so far as it relates to Housing for Wales, apply in relation to the period between—
 - (a) the end of the last financial year before its functions are transferred, and
 - (b) the time when its functions are transferred,

as if it were a financial year.
- (6) The Secretary of State may pay to members of Housing for Wales—

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- (a) any remuneration which he considers appropriate in respect of the performance of their duties as members of Housing for Wales after the time when its functions are transferred, and
 - (b) any allowances which he determines should be paid to them in respect of expenses properly incurred by them in the performance of those duties after that time.
- (7) The Secretary of State may determine that, as from the time when the functions of Housing for Wales are transferred or any later time, the number of members of Housing for Wales shall be reduced to a number which he considers appropriate (and may, accordingly, remove any such members from office).
- (8) The Secretary of State shall meet the costs of remunerating auditors and any other costs incurred by Housing for Wales in connection with the exercise of any of its functions under this section.

Commencement Information

I13 S. 142 wholly in force; s. 142 not in force at Royal Assent see s. 158; s. 142(1)(7)(8) in force at 2.9.1998 and s. 142(2)-(6) in force at 1.11.1998 by S.I. 1998/2244, arts. 3, 5

Marginal Citations

M7 1985 c. 69.

M8 1985 c. 69.

143 Abolition etc.

- (1) Housing for Wales shall cease to exist when the Secretary of State, being satisfied that its duties under section 142 have been discharged, by order so directs.
- (2) No amendment or repeal made by this Act or by virtue of subsection (3) affects—
- (a) the continuance of Housing for Wales for the purpose of exercising its functions under section 142, or
 - (b) the continued operation for that purpose of any enactment relating to Housing for Wales.
- (3) The Secretary of State may by order make any consequential, incidental, supplementary or transitional provisions, and any savings, which appear to him to be appropriate in consequence of or otherwise in connection with—
- (a) the transfer of functions, property, rights and liabilities of Housing for Wales by section 140(1) and (2) and Schedule 16, or
 - (b) the abolition of Housing for Wales.
- (4) An order under subsection (3) may include provisions in the form of amendments or repeals of sections 140 to 142, Schedule 16 or any other enactment.

Commencement Information

I14 S. 143 wholly in force; s. 143 not in force at Royal Assent see s. 158; s. 143(3)(4) in force at 2.9.1998 and s. 143(1)(2) in force at 1.10.1998 by S.I. 1998/2244, art. 3, 5

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Accountability

144 Accounts, audit and reports.

- (1) The [^{F158}Welsh Ministers] may by order make provision about—
 - (a) the accounts of any body specified in Part I or II of Schedule 17,
 - (b) the audit of any such body’s accounts, or
 - (c) reports by any such body on its exercise of its functions.
- (2) An order under subsection (1) may not make any provision about, or about the audit of, [^{F159}any accounts kept or prepared in pursuance of [^{F160}paragraph 2 or 3 of Schedule 9 to the National Health Service (Wales) Act 2006] (requirement for Welsh NHS bodies to keep accounts or prepare annual accounts)] by any body specified in Part II of Schedule 17.
- (3) An order under subsection (1) may include provision imposing, varying or abolishing requirements in respect of any accounts or reports or the audit of any accounts and, in particular, may provide for—
 - [^{F161}(a) the Permanent Secretary to the Welsh Assembly Government to designate accounting officers and to specify their responsibilities,]
 - (b) the preparation by a body of accounts extending to financial affairs and transactions of any undertaking (as defined in [^{F162}section 1161(1) of the Companies Act 2006]) of which the body is (or, if it were an undertaking as so defined, would be) a parent undertaking (within the meaning of [^{F163}section 1162] of that Act),
 - (c) the granting to auditors, and persons considering reports by any auditor or body, of rights of access to documents and of rights to obtain information, explanations and assistance from persons holding or accountable for documents,
 - (d) the giving of directions by the [^{F164}Welsh Ministers] , and
 - (e) the publication and public inspection of documents.
- [^{F165}(4) The Welsh Ministers may by order make provision for the Permanent Secretary to the Welsh Assembly Government to designate accounting officers of any body specified in Part 3 of Schedule 17 and to specify their responsibilities.
- (4A) An order under subsection (1) or (4) may not remove or restrict any function of the Comptroller and Auditor General.]
- [^{F166}(5A) A statutory instrument containing an order under subsection (1) or (4), other than an order to which subsection (5B) applies, is subject to annulment in pursuance of a resolution of the Assembly.
- (5B) No order to which this subsection applies may be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.
- (5C) Subsection (5B) applies to an order under subsection (1) or (4) which contains provisions in the form of amendments or repeals of enactments contained in an Act of Parliament, Assembly Measure or Act of the Assembly.]
- (6) [^{F167}.....]

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(7) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—

- (a) on behalf of the Committee of Public Accounts take evidence from a person designated in pursuance of subsection (3)(a) or (4) as an accounting officer of a body specified in Schedule 17, and
- (b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.

(8) The ^{F168}Welsh Ministers] may by order amend any of the Parts of Schedule 17 by—

- (a) adding any public body (other than ^{F169}the National Assembly for Wales Commission,] the Auditor General for Wales, ^{F170}Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru], ^{F171}the Public Services Ombudsman for Wales] , ^{F172}the Wales Centre for Health,]^{F173}the Children’s Commissioner for Wales], ^{F174}the Commissioner for Older People in Wales,^{F175} . . . a county council, a county borough council or a community council) whose functions relate exclusively to Wales or an area of Wales,
- (b) omitting any body, or
- (c) altering the description of any body.

^{F176}(8ZA) No order under subsection (8) may be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.]

^{F177}(8A) ^{F178}]

(9) In this section—

- (a) “audit”, in relation to any accounts, includes their examination and certification and reporting on them or on any examination of them, ^{F179} . . .
- (b) “body” includes office.
- ^{F180}(ba) “Permanent Secretary to the Welsh Assembly Government ” means the person appointed in accordance with section 52 of the Government of Wales Act 2006 to be the head of the staff of the Welsh Assembly Government (whether or not that person is known by the title of Permanent Secretary to the Welsh Assembly Government),]^{F181} and
- (c) “ public body ” means—
 - (i) a body exercising functions of a public nature, or
 - (ii) a body entirely or substantially funded from public money.]

Textual Amendments

- F158** Words in s. 144(1) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(2)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F159** Words in s. 144(2) substituted (1.2.2007 for W.) by [Health Act 2006 \(c. 28\)](#), ss. 80, 83, [Sch. 8 para. 43](#) (with saving in [S.I. 2006/2603](#), [art. 6](#)): [S.I. 2007/204](#), [art. 4\(b\)](#) (with [art. 5](#))
- F160** Words in s. 144(2) substituted (1.3.2007) by [Health Act 2006 \(c. 28\)](#), ss. 80, 83, [Sch. 8 para. 43](#) (as amended by National Health Service (Consequential Provisions) Act 2006 c. 43, Sch. 1 para. 298 (with Sch. 3, Pt. 1)); 2006 c. 43, s. 8(2)
- F161** S. 144(3)(a) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(3)(a)} (with Sch. 11), the amending provision coming into force immediately after the end of "the

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- initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F162** Words in s. 144(3)(b) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), 3(1), [Sch. 1 para. 207\(a\)](#)
- F163** Words in s. 144(3)(b) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), 3(1), [Sch. 1 para. 207\(b\)](#)
- F164** Words in s. 144(3)(d) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(3)(b)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F165** S. 144(4)(4A) substituted for s. 144(4) by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(4)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F166** S. 144(5A)-(5B) substituted for s. 144(5) by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(5)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F167** S. 144(6) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 45(6), {Sch. 12} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F168** Words in s. 144(8) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(7)(a)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F169** Words in s. 144(8)(a) inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(7)(b)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F170** Words in s. 144(8)(a) substituted (1.1.2001) by [2000 c. 21 s. 73\(3\)\(a\)](#); [S.I. 2000/3230](#), art. 2, [Sch.](#)
- F171** Words in s. 144(8)(a) substituted (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), ss. 39, 40, [Sch. 6 para. 66\(a\)](#); [S.I. 2005/2800](#), art. 5(1)
- F172** Words in s. 144(8)(a) inserted (1.4.2005) by [Health \(Wales\) Act 2003 \(c. 4\)](#), ss. 7, 10(2), [Sch. 3 para. 11](#); [S.I. 2003/2660](#), art. 3(2)
- F173** Words in s. 144(8)(a) inserted (13.11.2000) by [2000 c. 14, s. 72](#), [Sch. 2 para. 18](#); [S.I. 2000/2992](#), art. 2(1), [Sch. 1](#)
- F174** Words in s. 144(8)(a) inserted (14.10.2006 for W.) by [Commissioner for Older People \(Wales\) Act 2006 \(c. 30\)](#), ss. 1, 23, [Sch. 1 para. 20](#); [S.I. 2006/2699](#), art. 2
- F175** Words in s. 144(8)(a) repealed (1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), ss. 39, 40, [Sch. 6 para. 66\(b\)](#), [Sch. 7](#); [S.I. 2005/2800](#), art. 5(1)
- F176** S. 144(8ZA) inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(8)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F177** S. 144(8A) inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), ss. 65(2), 73; [S.I. 2005/558](#), art. 2, [Sch. 1](#)
- F178** S. 144(8A) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 45(9), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F179** Word in s. 144(9) repealed (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), ss. 72, 73, [Sch. 4](#); [S.I. 2005/558](#), art. 2, [Sch. 1](#) (subject to [Sch. 2](#))

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- F180** Words in s. 144(9)(ba) inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 45(10)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F181** S. 144(9)(c) and word added (1.4.2005) by **Public Audit (Wales) Act 2004 (c. 23), ss. 65(3), 73; S.I. 2005/558, art. 2, Sch. 1**

145 Examinations into use of resources.

- (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which a body or office specified in Schedule 17 has used its resources in discharging its functions.
- (2) Subsection (1) shall not be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of any body or office in respect of which an examination is carried out.
- (3) In determining how to exercise his functions under this section, the Auditor General for Wales shall take into account the views of the Audit Committee ^{F182} . . . as to the examinations which he should carry out under this section.
- (4) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by him under this section.
- (5) ^{F183}
- (6) The Comptroller and Auditor General shall—
 - (a) consult the Auditor General for Wales, and
 - (b) take into account any relevant work done or being done by the Auditor General for Wales,before he carries out an examination under section 6 or 7 of the ^{M9}National Audit Act 1983 (economy etc. examinations) in respect of a body or office specified in Schedule 17.
- [^{F184}(7) This section is without prejudice to the power conferred on the Auditor General for Wales by [^{F185}paragraph 18(3)(b) of Schedule 8 to the Government of Wales Act 2006 (agreement between a person and the Welsh Ministers etc. to permit the Auditor General to carry out an examination into the discharge of functions by that person)] .]

Textual Amendments

- F182** Words in s. 145(6) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 46(2), {Sch. 12} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F183** S. 145(5) repealed (1.4.2005) by **Public Audit (Wales) Act 2004 (c. 23), ss. 66, 72, 73, Sch. 2 para. 47(1)(2), Sch. 4; S.I. 2005/558, art. 2, Sch. 1** (subject to Sch. 2)
- F184** S. 145(7) inserted (1.4.2005) by **Public Audit (Wales) Act 2004 (c. 23), ss. 66, 73, Sch. 2 para. 47(1)(3); S.I. 2005/558, art. 2, Sch. 1**
- F185** Words in s. 145(7) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 46(3)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act

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Marginal Citations

M9 1983 c. 44.

[^{F186}145A] Studies for improving economy etc in services

- (1) The Auditor General for Wales may undertake or promote studies designed to enable him to make recommendations for improving economy, efficiency and effectiveness in the discharge of the functions of any relevant body or bodies.
- (2) The Auditor General for Wales may also undertake or promote other studies relating to the provision of services by any relevant body or bodies.
- (3) Subsections (1) and (2) do not entitle the Auditor General for Wales to question the merits of the policy objectives of any relevant body.
- (4) In determining how to exercise his functions under this section, the Auditor General for Wales shall take into account the views of the Audit Committee as to the studies which he should undertake or promote under this section.
- (5) For the purposes of this section each of the following is a “relevant body”—
 - [^{F187}(a) a person who prepares accounts or statements of accounts falling to be examined by the Auditor General for Wales in accordance with any provision made by or under this or any other Act;]
 - (b) any other person (other than a local government body in Wales) in relation to whom, by virtue of provision made by or under this or any other Act, the Auditor General for Wales carries out examinations or studies relating to the economy, efficiency and effectiveness with which that person has used his resources in discharging his functions;
 - (c) a person (other than a registered social landlord in Wales) in respect of whom the Auditor General for Wales has functions by virtue of provision made under section 146A.
- (6) Where the Auditor General for Wales undertakes or promotes a study under this section he may arrange for a report containing—
 - (a) the results of the study, and
 - (b) his recommendations (if any),
 to be laid before the Assembly.
- (7) In this section—

“local government body in Wales” has the meaning given in section 12(1) of the Public Audit (Wales) Act 2004; and

“registered social landlord in Wales” has the meaning given in section 146A(2).]

Textual Amendments

F186 S. 145A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), **ss. 3, 73**; [S.I. 2005/558](#), **art. 2**, **Sch. 1**

F187 S. 145A(a) substituted by the Government of Wales Act 2006, (c. 32), **ss. 160, 161**, {**Sch. 10 para. 47**} (with **Sch. 11**), the amending provision coming into force immediately after the end of “the initial

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period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act

[^{F188}145B] Studies at request of educational bodies

- (1) The Auditor General for Wales may undertake studies designed to enable him to make recommendations for improving economy, efficiency and effectiveness in the discharge of the functions of a body specified in the first column of the Table, if requested to do so by the body (or one of the bodies) specified in relation to it in the second column of the Table.

<i>Subject of study</i>	<i>Requesting body</i>
The governing body of an institution in Wales within the higher education sector.	The governing body or the Higher Education Funding Council for Wales.
[^{F189} The governing body of an institution in Wales receiving financial support under section 86 of the Education Act 2005 from the Higher Education Funding Council for Wales.	The governing body or the appropriate funding agency.]
^{F190} ...	^{F190} ...
The governing body of an institution in Wales within the further education sector.	The governing body or [^{F191} the Assembly] .

^{F192}(1A)

- (2) [^{F193}Subsection (1) does] not entitle the Auditor General for Wales to question the merits of the policy objectives of a body.
- (3) Where the Auditor General for Wales undertakes a study under subsection (1) ^{F194}... he may, with the consent of the body that requested the study, arrange for a report containing—
- (a) the results of the study, and
 - (b) his recommendations (if any),
- to be laid before the Assembly.
- (4) The Auditor General for Wales may, at the request of the Higher Education Funding Council for Wales, give the council advice in connection with the discharge of the council's functions under section 124B(2)(b) of the Education Reform Act 1988 or paragraph 18(2)(b) of Schedule 7 to that Act.
- (5) The Auditor General for Wales may, at the request of a higher education corporation or further education corporation in Wales—
- (a) advise them in connection with the appointment of persons to audit their accounts;
 - [^{F195}(b) audit their accounts for a financial year.]
- (6) In subsection (5)—

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- (a) “ higher education corporation ” and “ further education corporation ” have the same meaning as in the Further and Higher Education Act 1992;
 - (b) references to the accounts of a higher education corporation include references to a statement of accounts prepared by the corporation under section 124B of the Education Reform Act 1988 or paragraph 18 of Schedule 7 to that Act.
- (7) This section must be construed as one with the Education Act 1996; and references in any enactment to the Education Acts include this section.]

Textual Amendments

- F188** S. 145B inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), **ss. 4, 73**; S.I. 2005/558, art. 2, **Sch. 1**
- F189** S. 145B(1) Table: entry substituted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), ss. 98, 125, **Sch. 14 para. 21(2)**
- F190** Words in s. 145B(1) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 5 para. 15(2)**; S.I. 2012/924, art. 2
- F191** Words in s. 145B(1) Table substituted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), arts. 1, 9(1), **Sch. 1 para. 43** (with art. 7)
- F192** S. 145B(1A) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 5 para. 15(3)**; S.I. 2012/924, art. 2
- F193** Words in s. 145B(2) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 5 para. 15(4)**; S.I. 2012/924, art. 2
- F194** Words in s. 145B(3) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 5 para. 15(5)**; S.I. 2012/924, art. 2
- F195** S. 145B(5)(b) substituted (1.4.2014) by [The Public Audit \(Wales\) Act 2013 \(Consequential Amendments\) Order 2014 \(S.I. 2014/77\)](#), arts. 1(1), **2**

[^{F196}145C] Studies relating to registered social landlords

- (1) The [^{F197} Welsh Ministers] and the Auditor General for Wales may agree on one or more programmes of studies designed to enable the Auditor General for Wales to make recommendations for improving economy, efficiency and effectiveness in the discharge of the functions of registered social landlords ^{F198}
- (2) If a programme is agreed, the Auditor General for Wales shall ensure that studies giving effect to the programme are undertaken by him ^{F199}
- (3) It shall be a term of every such programme that the [^{F200} Welsh Ministers][^{F201} pay to the Wales Audit Office a sum in respect of the costs incurred (which may not exceed the full cost incurred in undertaking the programme), in accordance with a scheme for charging fees prepared under section 24 of the Public Audit (Wales) Act 2013].
- (4) This section does not entitle the Auditor General for Wales to question the merits of the policy objectives of a registered social landlord ^{F198}
- (5) Where a study is undertaken under this section by the Auditor General for Wales or on his behalf, he may arrange for a report containing—
 - (a) the results of the study, and
 - (b) his recommendations (if any),
 to be laid before the Assembly.

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- (6) A person commits an offence if without reasonable excuse he fails to comply with a requirement imposed under [F202 paragraph 17(3)(a) or (b) of Schedule 8 to the Government of Wales Act 2006 (requirement to give assistance, information or explanation to the Auditor General for Wales)] in relation to a study under this section.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) The Auditor General for Wales may disclose to the [F203 Welsh Ministers] information obtained by him or a person acting on his behalf in the course of a study under this section.
- [F204(9) “Registered social landlord ” means a body which is registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996.]]
- [F205(10) In this section, a reference to a person acting on behalf of the Auditor General for Wales is a reference to a person acting on the Auditor's behalf by virtue of a delegation made under section 18 of the Public Audit (Wales) Act 2013.]

Textual Amendments

- F196** S. 145C inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), **ss. 5, 73**; S.I. 2005/558, art. 2, **Sch. 1**
- F197** Words in s. 145C(1) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 48(2)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F198** Words in s. 145C(1)(4) repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), arts. 5, 7, Sch. 2 para. 113(2), **Sch. 4** (with art. 6 Sch. 3)
- F199** Words in s. 145C(2) omitted (E.W.) (1.4.2014) by virtue of [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), **Sch. 4 para. 6(2)** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1) (with art. 4(2))
- F200** Words in s. 145C(3) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 48(3)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F201** Words in s. 145C(3) substituted (E.W.) (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), **Sch. 4 para. 6(3)** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1) (with art. 4(2))
- F202** Words in s. 145C(6) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 48(4)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F203** Words in s. 145C(8) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 48(4)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F204** S. 145C(9) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 5, **Sch. 2 para. 113(3)** (with art. 6 Sch. 3)
- F205** S. 145C(10) inserted (E.W.) (1.4.2014) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), s. 35(2), **Sch. 4 para. 6(4)** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1) (with art. 4(2))

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[^{F206}145D] **Advice and assistance for registered social landlords**

- (1) The Auditor General for Wales may, if he thinks it appropriate to do so, provide advice or assistance to a registered social landlord ^{F207} . . . for the purpose of the exercise by the registered social landlord of its functions.
 - (2) Advice or assistance under this section may be provided on such terms and conditions, including conditions as to payment, as [^{F208}the Wales Audit Office thinks fit, but any terms as to payment may only be made in accordance with a scheme for charging fees prepared under section 24 of the Public Audit (Wales) Act 2013].
- [Any sums charged in relation to advice or assistance provided under this section may ^{F209}(2A) not exceed the full cost of providing that advice or assistance.]
- (3) This section has effect without prejudice to [^{F210}section 19 of the Public Audit (Wales) Act 2013 (arrangements for the provision of services between the Wales Audit Office and certain bodies)].
 - [^{F211}(4) “ Registered social landlord ” means a body which is registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996.]]

Textual Amendments

- F206** S. 145D inserted (E.W.) (31.1.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 166, 245**; [S.I. 2008/172](#), **art. 2(g)** (as amended by [S.I. 2008/337](#), **art. 3**)
- F207** Words in s. 145D(1) repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010](#) (S.I. 2010/866), **arts. 5, 7, Sch. 2 para. 114(2)**, **Sch. 4** (with **art. 6 Sch. 3**)
- F208** Words in s. 145D(2) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013](#) (anaw 3), **s. 35(2)**, **Sch. 4 para. 7(2)** (with **Sch. 3 para. 3**); [S.I. 2013/1466](#), **art. 3(1)** (with **art. 4(2)**)
- F209** S. 145D(2A) inserted (1.4.2014) by [Public Audit \(Wales\) Act 2013](#) (anaw 3), **s. 35(2)**, **Sch. 4 para. 7(3)** (with **Sch. 3 para. 3**); [S.I. 2013/1466](#), **art. 3(1)** (with **art. 4(2)**)
- F210** Words in s. 145D(3) substituted (1.4.2014) by [Public Audit \(Wales\) Act 2013](#) (anaw 3), **s. 35(2)**, **Sch. 4 para. 7(4)** (with **Sch. 3 para. 3**); [S.I. 2013/1466](#), **art. 3(1)** (with **art. 4(2)**)
- F211** S. 145D(4) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010](#) (S.I. 2010/866), **art. 5, Sch. 2 para. 114(3)** (with **art. 6 Sch. 3**)

146 **Transfer etc. of functions of Comptroller and Auditor General.**

- (1) The Secretary of State may by order provide for any function of the Comptroller and Auditor General, so far as relating to a body or office falling within subsection (2), to be transferred to, or become a function also of, the Auditor General for Wales.
- (2) The bodies and offices falling within this subsection are—
 - (a) any body or office specified in Schedule 17, and
 - (b) any body or office (other than one specified in Schedule 17) whose functions relate exclusively to Wales or an area of Wales (but not the Auditor General for Wales, [^{F212}the Wales Audit Office,][^{F213}Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru], [^{F214}the Public Services Ombudsman for Wales], ^{F215} . . . a county council, a county borough council or a community council).

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- (3) An order under subsection (1) may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).
- (4) An Order in Council under section [F216]58 of the Government of Wales Act 2006] may include any provision that may be included in an order under subsection (1).

Textual Amendments

- F212** Words in s. 146(2)(b) inserted (E.W.) (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), Sch. 4 para. 8 (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1) (with art. 4(2))
- F213** Words in s. 146(2)(b) substituted (1.1.2001) by 2000 c. 21, s. 73(3)(a); S.I. 2000/3230, art. 2, Sch.
- F214** Words in s. 146(2)(b) substituted (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 6 para. 67(a); S.I. 2005/2800, art. 5(1)
- F215** Words in s. 146(2)(b) repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, Sch. 6 para. 67(b), Sch. 7; S.I. 2005/2800, art. 5(1)
- F216** Words in s. 146(4) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 49} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act

[F217] 146A Transfer etc of functions of [F218] Welsh Ministers]

- (1) The [F219] Welsh Ministers] may, with the consent of the Auditor General for Wales, by order provide for any of [F220] their] supervisory functions in respect of a public body or a registered social landlord [F221] . . . —
 - (a) to be exercised on [F220] their] behalf by the Auditor General for Wales, or
 - (b) to be transferred to the Auditor General for Wales.

[But before making an order under subsection (1), the Welsh Ministers must consult [F222] (1A) the Wales Audit Office.]

- (2) In this section—

“ public body ” means—

 - (a) a body exercising functions of a public nature, or
 - (b) a body entirely or substantially funded from public money,

(and for this purpose “ body ” includes office);

[F223] “ registered social landlord ” means a body which is registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996;]

“ supervisory functions ”, in respect of a public body or a registered social landlord [F224] . . . , means functions of examining, inspecting, reviewing or studying the financial or other management of the public body or registered social landlord or the way in which it discharges any of its functions.
- (3) The [F225] Welsh Ministers] may direct the Auditor General for Wales to prepare a report on his exercise, generally or in respect of a specific body or matter, of any function transferred to him by an order under subsection (1)(b).
- (4) The Auditor General for Wales must lay before the Assembly any report prepared by him in accordance with a direction under subsection (3).

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(5) An order under subsection (1) may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).

^{F226} [No order under subsection (1) may be made unless a draft of the statutory instrument (6) containing it has been laid before, and approved by resolution of, the Assembly.]]

Textual Amendments

- F217** S. 146A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), **ss. 1, 73**; S.I. 2005/558, art. 2, **Sch. 1**
- F218** Words in s. 146A heading substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 50(5)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F219** Words in s. 146A(1) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 50(2)(a)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F220** Words in s. 146A(1) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 50(2)(b)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act
- F221** Words in s. 146A(1) repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), arts. 5, 7, **Sch. 2 para. 115(2)**, **Sch. 4** (with art. 6 Sch. 3)
- F222** S. 146A(1A) inserted (4.7.2013) by [Public Audit \(Wales\) Act 2013 \(anaw 3\)](#), **ss. 12, 35(2)** (with Sch. 3 paras. 2, 3); S.I. 2013/1466, art. 2(d)
- F223** S. 146A(2): definition of "registered social landlord" substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 5, **Sch. 2 para. 115(3)(a)** (with art. 6 Sch. 3)
- F224** S. 146A(2): words in definition of "supervisory functions" repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), arts. 5, 7, **Sch. 2 para. 115(3)(b)**, **Sch. 4** (with art. 6 Sch. 3)
- F225** Words in s. 146A(3) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 50(3)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) (subject to s. 161(6)) of the amending Act
- F226** S. 146A(6) inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 50(4)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act

^{F227} **147 Environment Agency.**

Textual Amendments

- F227** S. 147 omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **11(2)** (with art. 24)

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Miscellaneous

148 Health Authorities.

F228

Textual Amendments

F228 S. 148 repealed (1.10.2002 for E.W.) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), s. 37, [Sch. 8 para. 27](#), [Sch. 9 Pt. 3](#); S.I. 2002/2478, arts. 2(1), [3\(1\)\(e\)\(ii\)](#) (subject to art. 3(3) and with transitional provisions in art. 4) (S.I. 2002/2532, arts. 1(3), 2, [Sch.](#) purports to bring Sch. 8 para. 27 of the repealing Act into force on 10.10.2002 in relation to Wales only)

149 Agricultural wages committees.

In section 2 of the ^{M10}Agricultural Wages Act 1948 (agricultural wages committees for counties and combinations of counties), in the proviso to subsection (1) (exceptions to proposition that there be one committee for each county in England and Wales), at the end insert “and

- (c) there may, if the Minister thinks it expedient, be established as aforesaid a committee for the combination of all the counties in Wales instead of separate committees for counties or combinations of counties in Wales.”

Marginal Citations

M10 1948 c. 47.

150 Abolition of Residuary Body for Wales.

- (1) Paragraph 18 of Schedule 13 to the ^{M11}Local Government (Wales) Act 1994 (provisions for winding up of Residuary Body for Wales) is amended as follows.
- (2) In sub-paragraph (2) (meaning of “the transitional period” within which the Residuary Body must try to complete its work and at the end of which it is to be wound up), for “period of five years beginning with the establishment of the Residuary Body” substitute “period beginning with the establishment of the Residuary Body and ending with 31st March 1999”.
- (3) Omit—
 - (a) in sub-paragraph (3), “Subject to sub-paragraph (4),”, and
 - (b) sub-paragraph (4),(under which the Secretary of State may specify a period longer than the transitional period as the period at the end of which the Residuary Body is to be wound up).
- (4) For sub-paragraphs (5) to (7) (duty of Residuary Body to submit scheme for its winding up and to make arrangements for transfers etc. and power of Secretary of State to make orders) substitute—

“(5) The Residuary Body shall, before the end of the period of three months beginning with the day on which the Government of Wales Act 1998 is passed,

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submit to the Secretary of State a scheme for the winding up of the Residuary Body.

- (6) The scheme shall include in relation to the Residuary Body's remaining functions, property, rights and liabilities—
- (a) a statement of arrangements made by the Residuary Body for their transfer by the Residuary Body to another body or bodies,
 - (b) proposals for their transfer by the Secretary of State to another body or bodies, or
 - (c) such a statement in relation to some of them and such proposals in relation to the rest.
- (7) The Secretary of State may by order make provision for giving effect to the scheme (with or without modifications) and for the transfer of functions, property, rights and liabilities of the Residuary Body to another body or bodies (whether or not as proposed in the scheme)."

Marginal Citations

M11 1994 c. 19.

PART VII

SUPPLEMENTARY

151 Power to amend enactments.

- (1) The Secretary of State may by order make in any enactment—
- (a) contained in an Act passed before or in the same session as this Act, or
 - (b) made before the passing of this Act or in the session in which this Act is passed,
- such amendments or repeals as appear to him to be appropriate in consequence of this Act.
- (2) An Order in Council under section [F229]58 of the Government of Wales Act 2006] may include any provision that may be included in an order under subsection (1).

Textual Amendments

F229 Words in s. 151(2) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 52} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act

152 Repeals.

Schedule 18 (which contains repeals, including repeals of spent enactments) has effect.

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Commencement Information

I15 S. 152 partly in force; S. 152 not in force at Royal Assent, see s. 158; s. 152 in force for certain purposes at 2.9.1998, 1.10.1998, and 1.11.1998 by S.I. 1998/2244, arts. 3, 4, 5; s. 152 in force for certain purposes at 1.2.1999 by S.I. 1999/118, art. 2; s. 152 in force for certain purposes at 1.4.1999 by S.I. 1999/782, art. 2; s. 152 in force for certain purposes at 1.7.1999 by S.I. 1999/1290, art. 4

153 Transitional provisions etc.

- (1) The Secretary of State may by order make such transitional, consequential, incidental or supplementary provision, or such savings, as he considers appropriate for the purpose of or in connection with the coming into force of any provision of this Act.
- (2) If section 107 comes into force before the Human Rights Act 1998 has come into force (or come fully into force), that section shall have effect until the time when that Act is fully in force as it will have effect after that time.

154 Orders and directions.

- (1) Any power of a Minister of the Crown or the [F230 Welsh Ministers] under this Act to make an order shall be exercisable by statutory instrument.
- (2) No order to which this subsection applies shall be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.
- (3) Subsection (2) applies—
 - (a) F231
 - (b) to an order under section F232 ... 133(3), 139(3), 143(3), F233 ... 146(1), F234 ... or 151 F235 ... which contains provisions in the form of amendments or repeals of enactments contained in an Act.
- (4) F236
- (5) A statutory instrument containing an order to which this subsection applies shall (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Subsection (5) applies—
 - (a) to an order under section F237 ... 130(4), 133(3), 136(4), 139(3), 140(5), 143(3), F238 ... 146(1), F239 ..., 151 or 153, paragraph 2 of Schedule 6 F240 F241 ..., F242 ...
 - (b) F243
- (7) F244
- (8) Any power conferred by this Act to give a direction includes power to vary or revoke the direction.

Textual Amendments

F230 Words in s. 154(1) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 53(2)} (with Sch. 11), the amending provision coming into force immediately after the end of

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- "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) (subject to s. 161(6)) of the amending Act
- F231** Words in s. 154(3)(a) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(3)(a), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F232** Words in s. 154(3)(b) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(3)(b)(i), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F233** Words in s. 154(3)(b) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(3)(b)(ii), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F234** Word in s. 154(3)(b) omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **11(3)** (with art. 24)
- F235** Words in s. 154(3)(b) omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **15(3)(a)** (with art. 24)
- F236** S. 154(4) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(4), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F237** Words in s. 154(6)(a) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(5)(a)(i), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F238** Words in s. 154(6)(a) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(5)(a)(ii), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F239** Word in s. 154(6)(a) omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **11(3)** (with art. 24)
- F240** Words in s. 154(6)(a) omitted (with effect in accordance with art. 1(3) of the amending S.I.) by virtue of [The Natural Resources Body for Wales \(Consequential Provision\) Order 2013 \(S.I. 2013/1821\)](#), arts. 1(2), **15(3)(b)** (with art. 24)
- F241** Words in s. 154(6)(a) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(5)(a)(iii), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F242** Word in s. 154(6)(a) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(5)(a)(iii), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F243** S. 154(6)(b) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(5)(b), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act
- F244** S. 154(7) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(6), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of

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"the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act

155 Interpretation.

(1) In this Act—

F245

F245

[^{F246}“the Assembly” means the National Assembly for Wales,]

[^{F247}“Audit Committee” has the meaning given by section 30 of the Government of Wales Act 2006,]

[^{F248}“cross-border body” means any body (including a government department) or undertaker exercising functions, or carrying on activities, in or with respect to Wales (or any part of Wales) and anywhere else,]

[^{F249}“English border area” means a part of England adjoining Wales (but not the whole of England),]

“enactment” includes subordinate legislation,

“functions” includes powers and duties,

“Minister of the Crown” includes the Treasury,

“subordinate legislation” has the same meaning as in the ^{M12}Interpretation Act 1978, and

[^{F250}“Wales” has the same meaning as in the Government of Wales Act 2006;]

and related expressions shall be construed accordingly.

(2) ^{F251}

(3) In this Act “financial year” means the twelve months ending with 31st March ^{F252}

(4) Section 13 of the ^{M13}National Audit Act 1983 (interpretation of references to the Committee of Public Accounts) applies for the purposes of this Act as for those of that Act.

Textual Amendments

F245 S.155(1): the definitions of "Community Law and delegate" repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 54(3), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) (subject to s. 161(6)) of the amending Act

F246 S. 155(1): the definition of "the Assembly" inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 54(2)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act

F247 S. 155(1): the definition " Audit Committee" inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 54(2)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act

F248 S. 155(1): the definition "cross-border body" inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 54(2)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(5) of the amending Act

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- F249** [S. 155\(1\)](#): the definition "English border area" inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 54(2)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(4\)\(c\)\(5\)](#) of the amending Act
- F250** [S. 155\(1\)](#): the definition "Wales" substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161, {Sch. 10 para. 54(2)} (with Sch. 11), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(4\)\(c\)\(5\)](#) of the amending Act
- F251** [S. 155\(2\)](#) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 54(5), {Sch. 12} (with Sch. 11), the amending/ repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(4\)\(c\)\(d\)\(5\)](#) (subject to s. 161(6)) of the amending Act
- F252** Words in [s. 155\(3\)](#) repealed by the Government of Wales Act 2006, (c. 32), ss. 160, 161, 163, Sch. 10 para. 53(6), {Sch. 12} (with Sch. 11), the repealing provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(4\)\(c\)\(d\)\(5\)](#) (subject to s. 161(6)) of the amending Act

Marginal Citations

- M12** [1978 c. 30.](#)
- M13** [1983 c. 44.](#)

156 Defined expressions.

F253

Textual Amendments

F253 [S. 156](#) repealed by [Government of Wales Act 2006 \(c. 32\)](#), [ss. 161, 163](#), [Sch. 12](#) (with [Sch. 11](#)), the repealing provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

157 Financial provisions.

- (1) There shall be paid out of money provided by Parliament—
 - (a) any expenditure incurred by any Minister of the Crown or government department under or by virtue of this Act, and
 - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) There shall be paid out of the National Loans Fund any increase attributable to this Act in the sums payable out of that Fund under any other enactment.
- (3) There shall be paid into the National Loans Fund any increase attributable to this Act in the sums payable into that Fund under any other enactment.
- (4) There shall be paid into the Consolidated Fund any sums received by the Secretary of State under or by virtue of this Act (apart from any required to be paid into the National Loans Fund).

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158 Commencement.

- (1) Parts I and II, the provisions of Part III other than sections 50 and 51, Parts IV to VI and section 152 (and Schedule 18) shall not come into force until such day as the Secretary of State may by order appoint.
- (2) Different days may be appointed under this section for different purposes.

Subordinate Legislation Made

- P1** [S. 158](#) power partly exercised: different dates appointed for specified provisions by [S.I. 1998/2244](#)
[S. 158](#) power partly exercised: 1.12.1998 appointed for specified provisions by [S.I. 1998/2789](#)
[S. 158](#) power partly exercised: 1.2.1999 appointed for specified provisions by [S.I. 1999/118](#)
[S. 158](#) power partly exercised: 1.4.1999 appointed for specified provisions by [S.I. 1999/782](#)
[S. 158](#) power partly exercised: different dates appointed for specified provisions by [S.I. 1999/1290](#)
[S. 158](#) power partly exercised: 14.5.2001 appointed for specified provisions by [S.I. 2001/1756](#)

159 Short title.

This Act may be cited as the Government of Wales Act 1998.

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