



Government of Wales Act 1998

1998 CHAPTER 38

PART II

ASSEMBLY FUNCTIONS

Supplementary

44 Parliamentary procedures for subordinate legislation.

- (1) This section applies where a function to make subordinate legislation (including a function conferred or imposed by, or after the passing of, this Act) has been transferred to, or made exercisable by, the Assembly by an Order in Council under section 22.
- (2) Subject to subsections (4) and (5), any relevant Parliamentary procedural provision relating to the function shall not have effect in relation to the exercise of the function by the Assembly.
- (3) For the purposes of this Act “relevant Parliamentary procedural provision” means provision—
 - (a) requiring any instrument made in the exercise of the function, or a draft of any such instrument, to be laid before Parliament or either House of Parliament,
 - (b) for the annulment or approval of any such instrument or draft by or in pursuance of a resolution of either House of Parliament or of both Houses,
 - (c) prohibiting the making of any such instrument without that approval,
 - (d) for any such instrument to be a provisional order (that is, an order which requires to be confirmed by Act of Parliament), or
 - (e) requiring any order (within the meaning of the ^{M1}Statutory Orders (Special Procedure) Act 1945) to be subject to special parliamentary procedure.
- (4) Subsection (2) does not apply in the case of any instrument made in the exercise of the function, or a draft of any such instrument, if it—
 - (a) contains subordinate legislation made or to be made by a Minister of the Crown or government department (whether or not jointly with the Assembly),

Status: Point in time view as at 01/03/2007. This version of this provision has been superseded.

Changes to legislation: Government of Wales Act 1998, Section 44 is up to date with all changes known to be in force on or before 18 August 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)

- (b) contains (or confirms or approves) subordinate legislation relating to an English border area, or
 - (c) contains (or confirms or approves) subordinate legislation relating to a cross-border body (and not relating only to the exercise of functions, or the carrying on of activities, by the body in or with respect to Wales or a part of Wales).
- (5) Where a function transferred to, or made exercisable by, the Assembly by an Order in Council under section 22 is subject to a provision of the description specified in subsection (3)(e), the Order in Council may provide that—
- (a) any order made by the Assembly in the exercise of the function, or
 - (b) any order so made in circumstances specified in the Order in Council,
- is to be subject to special parliamentary procedure.
- (6) In this section “make” includes confirm or approve and related expressions (except “made exercisable”) shall be construed accordingly; but an instrument (or draft) does not fall within subsection (4)(a) just because it contains subordinate legislation made (or to be made) by the Assembly with the agreement of a Minister of the Crown or government department.

Modifications etc. (not altering text)

- C1** S. 44 modified (7.11.2002) by [Adoption and Children Act 2002 \(c. 38\)](#), **s. 145(4)** (with Sch. 4 paras. 6-8)
- C2** S. 44 applied (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 5, 8(2), **Sch. 3 para. 10(6)** (with Sch. 3)

Marginal Citations

- M1** 1945 c.18 (9 & 10 Geo.6).

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