



# Government of Wales Act 2006

## 2006 CHAPTER 32

### PART 4

#### ACTS OF THE ASSEMBLY

*F1* ...

#### Textual Amendments

- F1** S. 103 cross-heading omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 2](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(q\)](#)

#### <sup>F2</sup>**103** Referendum about commencement of Assembly Act provisions

.....

#### Textual Amendments

- F2** Ss. 103-106A and cross-heading omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 2](#) (with [Sch. 7 paras. 1, 4, 5, 6](#)); [S.I. 2017/1179, reg. 3\(q\)](#)

#### <sup>F2</sup>**104** Proposal for referendum by Assembly

.....

#### Textual Amendments

- F2** Ss. 103-106A and cross-heading omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 2](#) (with [Sch. 7 paras. 1, 4, 5, 6](#)); [S.I. 2017/1179, reg. 3\(q\)](#)

*Status: Point in time view as at 18/12/2019.*

*Changes to legislation: Government of Wales Act 2006, Part 4 is up to date with all changes known to be in force on or before 19 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)*

**F<sup>2</sup>105 Commencement of Assembly Act provisions**

.....

**Textual Amendments**  
**F2** Ss. 103-106A and cross-heading omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 2](#) (with [Sch. 7 paras. 1, 4, 5, 6](#)); S.I. 2017/1179, reg. 3(q)

**F<sup>2</sup>106 Effect on Measures of commencement of Assembly Act provisions**

.....

**Textual Amendments**  
**F2** Ss. 103-106A and cross-heading omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 2](#) (with [Sch. 7 paras. 1, 4, 5, 6](#)); S.I. 2017/1179, reg. 3(q)

**F<sup>2</sup>106A Enactment of proposed Assembly Measures**

.....

**Textual Amendments**  
**F2** Ss. 103-106A and cross-heading omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 2](#) (with [Sch. 7 paras. 1, 4, 5, 6](#)); S.I. 2017/1179, reg. 3(q)

*Power*

**107 Acts of the Assembly**

- (1) The Assembly may make laws, to be known as Acts of the National Assembly for Wales or Deddfau Cynulliad Cenedlaethol Cymru (referred to in this Act as “Acts of the Assembly”).
- (2) Proposed Acts of the Assembly are to be known as Bills; and a Bill becomes an Act of the Assembly when it has been passed by the Assembly and has received Royal Assent.
- (3) The validity of an Act of the Assembly is not affected by any invalidity in the Assembly proceedings leading to its enactment.
- (4) Every Act of the Assembly is to be judicially noticed.
- (5) This Part does not affect the power of the Parliament of the United Kingdom to make laws for Wales.
- [<sup>F3</sup>(6) But it is recognised that the Parliament of the United Kingdom will not normally legislate with regard to devolved matters without the consent of the Assembly.]

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#### Textual Amendments

**F3** S. 107(6) inserted (31.3.2017) by [Wales Act 2017 \(c. 4\)](#), **ss. 2, 71(2)(a)** (with [Sch. 7 paras. 1, 6](#))

#### Commencement Information

**I1** S. 107 in force at 5.5.2011 by [S.I. 2011/1011](#), **art. 3**

### <sup>F4</sup>108 Legislative competence

#### Textual Amendments

**F4** S. 108A substituted for s.108 (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 3(1), 71(3)** (with [Sch. 7 paras. 1, 2, 6](#)); [S.I. 2017/1179](#), **reg. 2**

### [<sup>F4</sup>108A Legislative competence

- (1) An Act of the Assembly is not law so far as any provision of the Act is outside the Assembly's legislative competence.
- (2) A provision is outside that competence so far as any of the following paragraphs apply—
  - (a) it extends otherwise than only to England and Wales;
  - (b) it applies otherwise than in relation to Wales or confers, imposes, modifies or removes (or gives power to confer, impose, modify or remove) functions exercisable otherwise than in relation to Wales;
  - (c) it relates to reserved matters (see Schedule 7A);
  - (d) it breaches any of the restrictions in Part 1 of Schedule 7B, having regard to any exception in Part 2 of that Schedule from those restrictions;
  - (e) it is incompatible with the Convention rights or with EU law.
- (3) But subsection (2)(b) does not apply to a provision that—
  - (a) is ancillary to a provision of any Act of the Assembly or Assembly Measure or to a devolved provision of an Act of Parliament, and
  - (b) has no greater effect otherwise than in relation to Wales, or in relation to functions exercisable otherwise than in relation to Wales, than is necessary to give effect to the purpose of that provision.
- (4) For this purpose, a provision of an Act of Parliament is ““devolved”” if it would be within the Assembly's legislative competence if it were contained in an Act of the Assembly (ignoring any requirement for consent or consultation imposed under paragraph 8, 10 or 11 of Schedule 7B or otherwise).
- (5) In determining what is necessary for the purposes of subsection (3), any power to make laws other than that of the Assembly is disregarded.
- (6) The question whether a provision of an Act of the Assembly relates to a reserved matter is determined by reference to the purpose of the provision, having regard (among other things) to its effect in all the circumstances.

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- (7) For the purposes of this Act a provision is ancillary to another provision if it—
- (a) provides for the enforcement of the other provision or is otherwise appropriate for making that provision effective, or
  - (b) is otherwise incidental to, or consequential on, that provision.]

#### Textual Amendments

**F4** S. 108A substituted for s.108 (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 3(1)**, 71(3) (with [Sch. 7 paras. 1, 2, 6](#)); [S.I. 2017/1179](#), [reg. 2](#)

#### Modifications etc. (not altering text)

- C1** S. 108A modified by [2000 c. 22, s. 7\(9\)](#) (as amended) (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 57](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(r\)](#)
- C2** [S. 108A\(2\)\(e\)](#) restricted (1.3.2019) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 8 para. 41\(4\)\(9\)](#) (with s. 19, [Sch. 8 para. 37](#)); [S.I. 2019/399](#), [reg. 2](#)

### 109 Legislative competence: supplementary

- (1) Her Majesty may by Order in Council amend [<sup>F5</sup>Schedule 7A or 7B].
- (2) An Order in Council under this section may make such modifications of—
  - (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or
  - (b) any other instrument or document,
 as Her Majesty considers appropriate in connection with the provision made by the Order in Council.
- (3) An Order in Council under this section may make provision having retrospective effect.
- (4) No recommendation is to be made to Her Majesty in Council to make an Order in Council under this section unless a draft of the statutory instrument containing the Order in Council [<sup>F6</sup> has been laid before, and approved by a resolution of, each House of Parliament and the Assembly.]
- [<sup>F7</sup>(5) Any alteration of Schedule 7A or 7B, whether by virtue of the making, revocation or expiry of an Order in Council under this section or otherwise, does not (unless an enactment provides otherwise) affect—
  - (a) the validity of an Act of the Assembly passed before the alteration takes effect, or
  - (b) the previous or continuing operation of such an Act of the Assembly.]

#### Textual Amendments

- F5** Words in s. 109(1) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 3\(2\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(q\)](#)
- F6** Words in s. 109(4) substituted for s. 109(4)(a)(b) (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 3\(3\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(q\)](#)
- F7** S. 109(5) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 3\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(q\)](#)

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## **[<sup>F8</sup>109A Legislative competence: restriction relating to retained EU law**

- (1) An Act of the Assembly cannot modify, or confer power by subordinate legislation to modify, retained EU law so far as the modification is of a description specified in regulations made by a Minister of the Crown.
- (2) But subsection (1) does not apply to any modification so far as it would, immediately before exit day, have been within the Assembly's legislative competence.
- (3) No regulations are to be made under this section unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (4) A Minister of the Crown must not lay a draft as mentioned in subsection (3) unless—
  - (a) the Assembly has made a consent decision in relation to the laying of the draft, or
  - (b) the 40 day period has ended without the Assembly having made such a decision.
- (5) For the purposes of subsection (4) a consent decision is—
  - (a) a decision to agree a motion consenting to the laying of the draft,
  - (b) a decision not to agree a motion consenting to the laying of the draft, or
  - (c) a decision to agree a motion refusing to consent to the laying of the draft;and a consent decision is made when the Assembly first makes a decision falling within any of paragraphs (a) to (c) (whether or not it subsequently makes another such decision).
- (6) A Minister of the Crown who is proposing to lay a draft as mentioned in subsection (3) must—
  - (a) provide a copy of the draft to the Welsh Ministers, and
  - (b) inform the Presiding Officer that a copy has been so provided.
- (7) See also section 157ZA (duty to make explanatory statement about regulations under this section including a duty to explain any decision to lay a draft without the consent of the Assembly).
- (8) No regulations may be made under this section after the end of the period of two years beginning with exit day.
- (9) Subsection (8) does not affect the continuation in force of regulations made under this section at or before the end of the period mentioned in that subsection.
- (10) Any regulations under this section which are in force at the end of the period of five years beginning with the time at which they came into force are revoked in their application to any Act of the Assembly which receives Royal Assent after the end of that period.
- (11) Subsections (4) to (9) do not apply in relation to regulations which only relate to a revocation of a specification.
- (12) In this section—

“the 40 day period” means the period of 40 days beginning with the day on which a copy of the draft instrument is provided to the Welsh Ministers, and, in calculating that period, no account is to be taken of any time during which the Assembly is dissolved or during which it is in recess for more than four days.]

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#### Textual Amendments

**F8** S. 109A inserted (26.6.2018 for specified purposes) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), [ss. 12\(4\), 25\(2\)\(b\)](#) (with [s. 19, Sch. 2 paras. 3\(5\), 14\(5\), Sch. 8 para. 37, Sch. 8 para. 41](#))

#### Modifications etc. (not altering text)

**C3** S. 109A: power to repeal conferred (4.7.2018) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), [ss. 12\(9\)-\(11\), 25\(4\)](#) (with [s. 19, Sch. 8 paras. 37, 41](#)); [S.I. 2018/808, reg. 3\(c\)](#)

### Procedure

#### 110 Introduction of Bills

- (1) A Bill may, subject to the standing orders, be introduced in the Assembly—
  - (a) by the First Minister, any Welsh Minister appointed under section 48 any Deputy Welsh Minister or the Counsel General, or
  - (b) by any other Assembly member.
- (2) The person in charge of a Bill must, on or before the introduction of the Bill, state that, in that person's view, its provisions would be within the Assembly's legislative competence.
- (3) The Presiding Officer must, on or before the introduction of a Bill in the Assembly—
  - (a) decide whether or not, in the view of the Presiding Officer, the provisions of the Bill would be within the Assembly's legislative competence, and
  - (b) state that decision.
- (4) A statement under this section must be made in both English and Welsh; but, subject to that, the form of the statement and the manner in which it is to be made are to be determined under the standing orders.
- (5) The standing orders—
  - (a) may provide for a statement under this section to be published, and
  - (b) if they do so, must provide for it to be published in both English and Welsh.

#### Commencement Information

**I2** S. 110 in force at 5.5.2011 by [S.I. 2011/1011, art. 3](#)

#### [<sup>F9</sup>110A Introduction of Bills: justice impact assessment

- (1) The standing orders must include provision requiring the person in charge of a Bill, on or before the introduction of the Bill, to make a written statement setting out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”).
- (2) The form of the justice impact assessment and the manner in which it is to be made are to be determined under the standing orders.
- (3) The standing orders must provide for the justice impact assessment to be published.]

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### Textual Amendments

- F9** S. 110A inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 11, 71(4)** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(c\)](#)

## 111 Proceedings on Bills

- (1) The standing orders must include provision—
    - (a) for general debate on a Bill with an opportunity for Assembly members to vote on its general principles,
    - (b) for the consideration of, and an opportunity for Assembly members to vote on, the details of a Bill, and
    - (c) for a final stage at which a Bill can be passed or rejected.
  - (2) Subsection (1) does not prevent the standing orders making provision to enable the Assembly to expedite proceedings in relation to a particular Bill.
  - (3) The standing orders may make provision different from that required by subsection (1) for the procedure applicable to Bills of any of the following kinds—
    - (a) Bills which restate the law,
    - (b) Bills which repeal or revoke spent enactments, and
    - (c) private Bills.
  - (4) The standing orders must include provision for securing that the Assembly may only pass a Bill containing provisions which would, if contained in a Bill for an Act of Parliament, require the consent of Her Majesty or the Duke of Cornwall if such consent has been signified in accordance with the standing orders.
  - (5) The standing orders must include provision for securing that the Assembly may only pass a Bill if the text of the Bill is in both English and Welsh, unless the circumstances are such as are specified by the standing orders as any in which the text need not be in both languages.
  - (6) The standing orders must provide for an opportunity for the reconsideration of a Bill after its passing if (and only if)—
    - [<sup>F10</sup>(za) the Supreme Court decides on a reference made in relation to the Bill under section 111B(2)(b) (reference following Presiding Officer's decision that Bill does not contain protected subject-matter) that any provision of the Bill relates to a protected subject-matter,]
    - (a) the Supreme Court decides on a reference made in relation to the Bill under section 112 that the Bill or any provision of it would not be within the Assembly's legislative competence,
    - (b) a reference made in relation to the Bill under section 112 is withdrawn following a request for withdrawal of the reference under section 113(2)(b), or
    - (c) an order is made in relation to the Bill under section 114.
- [<sup>F11</sup>(6A) The standing orders must provide for an opportunity for the reconsideration of a Bill after its rejection if (and only if), on a reference made in relation to the Bill under section 111B(2)(a) (reference following Presiding Officer's decision that Bill contains protected subject-matter), the Supreme Court decides that no provision that is subject to the reference relates to a protected subject-matter.]

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- [<sup>F12</sup>(7) The standing orders must, in particular, ensure that—
- (a) any Bill amended on reconsideration in accordance with standing orders made by virtue of subsection (6)(a), (b) or (c), and
  - (b) any Bill reconsidered in accordance with standing orders made by virtue of subsection (6)(za) or (6A),
- is subject to a final stage at which it can be approved or rejected.]
- (8) References in subsections (4), (5) and (6) of this section and sections 107(2), 109(5) [<sup>F13</sup>, 111A(3) and (4), 111B(2)(b)] [<sup>F14</sup>, 116(3) and 116C (4)] to the passing of a Bill are, in the case of a Bill [<sup>F15</sup>to which subsection (7)(a) or (b) applies], to be read as references to its approval.

#### Textual Amendments

- F10** S. 111(6)(za) inserted (31.3.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Wales Act 2017 \(c. 4\), ss. 10\(2\), 71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F11** S. 111(6A) inserted (31.3.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Wales Act 2017 \(c. 4\), ss. 10\(3\), 71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F12** S. 111(7) substituted (31.3.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Wales Act 2017 \(c. 4\), ss. 10\(4\), 71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F13** Words in s. 111(8) inserted (31.3.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Wales Act 2017 \(c. 4\), ss. 10\(5\)\(a\), 71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F14** Words in s. 111(8) substituted (17.2.2015) by [Wales Act 2014 \(c. 29\), ss. 6\(4\), 29\(2\)\(b\)\(3\)](#)
- F15** Words in s. 111(8) substituted (31.3.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Wales Act 2017 \(c. 4\), ss. 10\(5\)\(b\), 71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)

#### Commencement Information

- I3** S. 111 in force at 5.5.2011 by [S.I. 2011/1011, art. 3](#)

#### [<sup>F16</sup>111A Bills with protected subject-matter: super-majority requirement

- (1) For the purposes of this Part a provision of a Bill relates to a protected subject-matter if it would modify, or confer power to modify, any of the matters listed in subsection (2) (but not if the provision is incidental to or consequential on another provision of the Bill).
- (2) The matters are—
  - (a) the name of the Assembly,
  - (b) the persons entitled to vote as electors at an election for membership of the Assembly,
  - (c) the system by which members of the Assembly are returned,
  - (d) the specification or number of constituencies, regions or any equivalent electoral area,
  - (e) the number of members to be returned for each constituency, region or equivalent electoral area, and
  - (f) the number of persons who may hold the office of Welsh Minister appointed under section 48 or the office of Deputy Welsh Minister.



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- (3) The Presiding Officer must, after the last time when a Bill may be amended but before the decision whether to pass or reject it—
  - (a) decide whether or not, in the view of the Presiding Officer, any provision of the Bill relates to a protected subject-matter, and
  - (b) state that decision.
- (4) If the Presiding Officer decides that any provision of the Bill relates to a protected subject-matter, the Bill is not passed unless the number of Assembly members voting in favour of it at the final stage is at least two-thirds of the total number of Assembly seats.

#### Textual Amendments

**F16** Ss. 111A, 111B inserted (31.3.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Wales Act 2017 \(c. 4\)](#), [ss. 9, 71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(c\)](#)

### **111B Scrutiny of Bills by the Supreme Court (protected subject-matter)**

- (1) The Counsel General or the Attorney General may refer the question whether any provision of a Bill relates to a protected subject-matter to the Supreme Court for decision.
- (2) Subject to subsection (3), the Counsel General or the Attorney General may make a reference in relation to a Bill—
  - (a) at any time during the period of four weeks beginning with the rejection of the Bill, if the Presiding Officer has decided under section 111A(3) that a provision of the Bill relates to a protected subject-matter, or
  - (b) at any time during the period of four weeks beginning with the passing of the Bill, if the Presiding Officer has decided under section 111A(3) that no provision of the Bill relates to a protected subject-matter, unless the number of Assembly members voting in favour of the Bill at its passing is at least two-thirds of the total number of Assembly seats.
- (3) No reference may be made in relation to a Bill—
  - (a) by the Counsel General if the Counsel General has notified the Presiding Officer that no reference is to be made in relation to it by the Counsel General, or
  - (b) by the Attorney General if the Attorney General has notified the Presiding Officer that no reference is to be made in relation to it by the Attorney General.
- (4) But subsection (3) does not apply if the Bill has, since the notification, been approved or rejected in accordance with standing orders made by virtue of section 111(7).]

#### Textual Amendments

**F16** Ss. 111A, 111B inserted (31.3.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Wales Act 2017 \(c. 4\)](#), [ss. 9, 71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(c\)](#)

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## 112 Scrutiny of Bills by Supreme Court <sup>F17</sup>(legislative competence)

- (1) The Counsel General or the Attorney General may refer the question whether a Bill, or any provision of a Bill, would be within the Assembly's legislative competence to the Supreme Court for decision.
- (2) Subject to subsection (3), the Counsel General or the Attorney General may make a reference in relation to a Bill at any time during—
  - (a) the period of four weeks beginning with the passing of the Bill, and
  - (b) any period of four weeks beginning with any <sup>F18</sup>... approval of the Bill in accordance with provision included in the standing orders in compliance with section 111(7).
- (3) No reference may be made in relation to a Bill—
  - (a) by the Counsel General if the Counsel General has notified the <sup>F19</sup>Presiding Officer] that no reference is to be made in relation to it by the Counsel General, or
  - (b) by the Attorney General if the Attorney General has notified the <sup>F19</sup>Presiding Officer] that no reference is to be made in relation to it by the Attorney General.
- (4) But subsection (3) does not apply if the Bill has been approved as mentioned in subsection (2)(b) since the notification.

### Textual Amendments

- F17** Words in s. 112 heading inserted (31.3.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Wales Act 2017 \(c. 4\), ss. 10\(6\)\(a\), 71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F18** Word in s. 112(2)(b) omitted (31.3.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of [Wales Act 2017 \(c. 4\), ss. 10\(6\)\(b\), 71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F19** Words in s. 112(3)(a)(b) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 12\(2\)\(a\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)

### Commencement Information

- I4** S. 112 in force at 5.5.2011 by [S.I. 2011/1011, art. 3](#)

## 113 ECJ references

- (1) This section applies where—
  - (a) a reference has been made in relation to a Bill under section 112,
  - (b) a reference for a preliminary European Court ruling has been made by the Supreme Court in connection with that reference, and
  - (c) neither of those references has been decided or otherwise disposed of.
- (2) If the Assembly resolves that it wishes to reconsider the Bill—
  - (a) the <sup>F20</sup>Presiding Officer] must notify the Counsel General and the Attorney General of that fact, and
  - (b) the person who made the reference in relation to the Bill under section 112 must request the withdrawal of the reference.

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- (3) In this section “a reference for a preliminary European Court ruling” means a reference of a question to the European Court under [<sup>F21</sup>Article 267 of the Treaty on the Functioning of the European Union] or Article 150 of the Treaty establishing the European Atomic Energy Community.

#### Textual Amendments

- F20** Words in s. 113(2)(a) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 12\(2\)\(b\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F21** Words in s. 113(3) substituted (1.8.2012) by [The Treaty of Lisbon \(Changes in Terminology or Numbering\) Order 2012 \(S.I. 2012/1809\), art. 2\(1\), Sch. Pt. 1](#) (with [art. 2\(2\)](#))

#### Commencement Information

- I5** S. 113 in force at 5.5.2011 by [S.I. 2011/1011, art. 3](#)

### 114 Power to intervene in certain cases

- (1) This section applies if a Bill contains provisions which the Secretary of State has reasonable grounds to believe—
- (a) would have an adverse effect on [<sup>F22</sup>a reserved matter],
  - <sup>F23</sup>(b) .....
  - (c) would have an adverse effect on the operation of the law as it applies in England, or
  - (d) would be incompatible with any international obligation or the interests of defence or national security.
- (2) The Secretary of State may make an order prohibiting the [<sup>F24</sup>Presiding Officer] from submitting the Bill for Royal Assent.
- (3) The order must identify the Bill and the provisions in question and state the reasons for making the order.
- (4) The order may be made at any time during—
- (a) the period of four weeks beginning with the passing of the Bill,
  - (b) any period of four weeks beginning with any <sup>F25</sup>... approval of the Bill in accordance with provision included in the standing orders in compliance with section 111(7), or
  - (c) if a reference is made in relation to the Bill under section [<sup>F26</sup>111B or] 112, the period of four weeks beginning with the reference being decided or otherwise disposed of by the Supreme Court.
- (5) The Secretary of State must not make an order in relation to a Bill if the Secretary of State has notified the [<sup>F27</sup>Presiding Officer] that no order is to be made in relation to the Bill.
- (6) Subsection (5) does not apply if the Bill has been approved as mentioned in subsection (4)(b) since the notification.
- (7) An order in force under this section at a time when such approval is given ceases to have effect.

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

*Changes to legislation: Government of Wales Act 2006, Part 4 is up to date with all changes known to be in force on or before 19 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)*

- (8) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F22** Words in s. 114(1)(a) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\)](#), [Sch. 6 para. 4](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(q\)](#)
- F23** S. 114(1)(b) omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\), ss. 52\(1\)\(a\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(k\)](#)
- F24** Words in s. 114(2) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 12\(2\)\(c\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F25** Word in s. 114(4)(b) omitted (31.3.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of [Wales Act 2017 \(c. 4\), ss. 10\(7\)\(a\), 71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F26** Words in s. 114(4)(c) inserted (31.3.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Wales Act 2017 \(c. 4\), ss. 10\(7\)\(b\), 71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F27** Words in s. 114(5) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 12\(2\)\(c\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)

#### Commencement Information

- I6** S. 114 in force at 5.5.2011 by [S.I. 2011/1011, art. 3](#)

## 115 Royal Assent

- (1) It is for the [<sup>F28</sup>Presiding Officer] to submit Bills for Royal Assent.
- (2) The [<sup>F29</sup>Presiding Officer] may not submit a Bill for Royal Assent at any time when—
- the Attorney General or the Counsel General is entitled to make a reference in relation to the Bill under section [<sup>F30</sup>111B or] 112,
  - such a reference has been made but has not been decided or otherwise disposed of by the Supreme Court, or
  - an order may be made in relation to the Bill under section 114.
- (3) The [<sup>F31</sup>Presiding Officer] may not submit a Bill in its unamended form for Royal Assent if—
- the Supreme Court has decided on a reference made in relation to the Bill under section 112 that the Bill or any provision of it would not be within the Assembly's legislative competence, or
  - a reference made in relation to the Bill under section 112 has been withdrawn following a request for withdrawal of the reference under section 113(2)(b).
- [<sup>F32</sup>(3A) The Presiding Officer may not submit a Bill for Royal Assent if the Supreme Court has decided on a reference made in relation to the Bill under section 111B(2)(b) (reference following Presiding Officer's decision that Bill does not contain protected subject-matter) that any provision of the Bill relates to a protected subject-matter unless, since the decision, the Bill has been approved in accordance with standing orders made by virtue of section 111(7).]
- (4) A Bill receives Royal Assent when Letters Patent under the Welsh Seal signed with Her Majesty's own hand signifying Her Assent are notified to the Clerk.

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

*Changes to legislation: Government of Wales Act 2006, Part 4 is up to date with all changes known to be in force on or before 19 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)*

[<sup>F33</sup>(4A) The Keeper of the Welsh Seal (*see* section 116(2)) must make arrangements to send the Letters Patent to the National Library of Wales.]

(5) The date of Royal Assent is to be written on the Act of the Assembly by the Clerk, and forms part of the Act.

[<sup>F34</sup>(5A) On the copy of the Act of the Assembly on which the Clerk writes the date of Royal Assent the Clerk must write—

- (a) the calendar year, and
- (b) any prefix and number which has been assigned to that Act of the Assembly.

(5B) The information written on the Act of the Assembly in pursuance of subsection (5A) forms part of the Act .

(5C) The copy of the Act of the Assembly on which the date of Royal Assent and the information in subsection (5A) is written is to be known as the official print of the Act .

(5D) The Clerk must make a copy of the official print and certify it as a true copy.

(5E) The Clerk must send the certified copy to the Queen’s Printer and the official print to the National Library of Wales.

(5F) The National Library of Wales must ensure that the official prints and Letters Patent it receives are preserved and open to public inspection at all reasonable times.]

(6) The standing orders must include provision for notification by the Clerk to the Assembly of the date of Royal Assent to an Act of the Assembly.

(7) The validity of an Act of the Assembly is not affected by any failure to comply with provision made by or by virtue of subsection (4), (5) or (6).

#### Textual Amendments

- F28** Words in s. 115(1) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 12\(1\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F29** Words in s. 115(2) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 12\(1\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F30** Words in s. 115(2)(a) inserted (31.3.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Wales Act 2017 \(c. 4\), ss. 10\(8\)\(a\), 71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F31** Words in s. 115(3) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 12\(1\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F32** S. 115(3A) inserted (31.3.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Wales Act 2017 \(c. 4\), ss. 10\(8\)\(b\), 71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(c\)](#)
- F33** S. 115(4A) inserted (5.5.2011) by [The Government of Wales Act 2006 \(Commencement of Assembly Act Provisions, Transitional and Saving Provisions and Modifications\) Order 2011 \(S.I. 2011/1011\), art. 5\(2\)](#)
- F34** S. 115(5A)-(5F) inserted (5.5.2011) by [The Government of Wales Act 2006 \(Commencement of Assembly Act Provisions, Transitional and Saving Provisions and Modifications\) Order 2011 \(S.I. 2011/1011\), art. 5\(3\)](#)

#### Commencement Information

- I7** S. 115 in force at 5.5.2011 by [S.I. 2011/1011, art. 3](#)

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

*Changes to legislation: Government of Wales Act 2006, Part 4 is up to date with all changes known to be in force on or before 19 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)*

## 116 Welsh Seal <sup>F35</sup>: Letters Patent and proclamations]

- (1) There is to be a Welsh Seal.
- (2) The First Minister is to be the Keeper of the Welsh Seal.
- (3) Her Majesty may by Order in Council make provision as to—
  - (a) the form and manner of preparation, and
  - (b) the publication,
 of Letters Patent signed with Her Majesty's own hand signifying Her Assent to a Bill passed by the Assembly <sup>F36</sup> and all royal proclamations under section 4(2) and section 5(4), which have passed under the Welsh Seal].
- (4) A statutory instrument containing an Order in Council under subsection (3) is subject to annulment in pursuance of a resolution of the Assembly.

### Textual Amendments

- F35** Words in s. 116 heading substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 5\(2\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(q\)](#)
- F36** Words in s. 116(3) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 5\(3\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(q\)](#)

### Commencement Information

- I8** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

**Status:**

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

**Changes to legislation:**

Government of Wales Act 2006, Part 4 is up to date with all changes known to be in force on or before 19 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.