



Government of Wales Act 2006

2006 CHAPTER 32

PART 6 U.K.

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

149 Resolution of devolution issues U.K.

For provision about the resolution of devolution issues see Schedule 9.

Commencement Information

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

150 Power to make consequential provision U.K.

- (1) The Secretary of State may by order make such provision as the Secretary of State considers appropriate in consequence of—
- any provision made by an Assembly Measure or Act of the [F1Senedd],
 - any provision of subordinate legislation made, or purporting to be made, under an Assembly Measure or Act of the [F1Senedd],
 - any provision of subordinate legislation made, or purporting to be made, by the Welsh Ministers, the First Minister or the Counsel General, or
 - any provision of subordinate legislation made, or purporting to be made, by any other person (not being a Minister of the Crown) in the exercise of a function conferred or imposed by Act of Parliament where the statutory instrument (or a draft of the statutory instrument) containing the subordinate legislation is required to be laid before the [F1Senedd].
- (2) An order under this section may make such modifications of—

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- (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or
 - (b) any other instrument or document,
- as the Secretary of State considers appropriate.
- (3) An order under this section may not make provision with respect to matters within the legislative competence of the Scottish Parliament.
- (4) An order under this section may make provision having retrospective effect.
- (5) No order under this section which contains provisions in the form of amendments or repeals of enactments contained in an Act is to 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.
- (6) A statutory instrument containing an order under this section is (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In subsection (1) “made” includes confirmed or approved.

Textual Amendments

F1 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

I2 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

[^{F2}150A [^{F3}Translation of references to Senedd Cymru etc.] **U.K.**

^{F4}(1)

- (2) Unless the context requires otherwise, a reference to the National Assembly for Wales [^{F5}(or Cynulliad Cenedlaethol Cymru), the National Assembly for Wales Commission (or Comisiwn Cynulliad Cenedlaethol Cymru) or Acts of the National Assembly for Wales (or Deddfau Cynulliad Cenedlaethol Cymru) (as the case may be)], in—

- (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or
- (b) any other instrument or document,

is to be read as, or as including, a reference to the [^{F6}name given by Part 2 of the Senedd and Elections (Wales) Act 2020].]

- [^{F7}(3) Unless the context requires otherwise, a reference to Senedd Cymru or the Welsh Parliament, the Senedd Commission (or Comisiwn y Senedd) or Acts of Senedd Cymru (or Deddfau Senedd Cymru) (as the case may be), in—

- (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or
- (b) any other instrument or document,

is to be read as including a reference to the previous name.]

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Textual Amendments

- F2** S. 150A inserted (31.3.2017) by [Wales Act 2017 \(c. 4\)](#), [ss. 16\(1\)](#), [71\(2\)\(c\)](#) (with [Sch. 7 paras. 1, 6](#))
- F3** Words in s. 150A heading substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [s. 42\(2\)](#), [Sch. 1 para. 2\(7\)\(a\)](#)
- F4** S. 150A(1) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [s. 42\(2\)](#), [Sch. 1 para. 2\(7\)\(b\)](#)
- F5** Words in s. 150A(2) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [s. 42\(2\)](#), [Sch. 1 para. 2\(7\)\(c\)\(i\)](#)
- F6** Words in s. 150A(2) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [s. 42\(2\)](#), [Sch. 1 para. 2\(7\)\(c\)\(ii\)](#)
- F7** S. 150A(3) inserted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [s. 42\(2\)](#), [Sch. 1 para. 2\(7\)\(d\)](#)

151 Power to remedy ultra vires acts **U.K.**

- (1) Her Majesty may by Order in Council make such provision as Her Majesty considers appropriate in consequence of—
- an Assembly Measure or Act of the [^{F1}Senedd], or any provision of an Assembly Measure or Act of the [^{F1}Senedd], which is not, or may not be, within the [^{F1}Senedd's] legislative competence, or
 - any purported exercise by any person of a function conferred or imposed by or under an Assembly Measure or Act of the [^{F1}Senedd] which is not, or may not be, an exercise or proper exercise of that function.
- (2) An Order in Council under this section may make such modifications of—
- any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or
 - any other instrument or document,
- as Her Majesty considers appropriate.
- (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 which contains provisions in the form of amendments or repeals of enactments contained in an Act 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.
- (5) A statutory instrument containing an Order in Council under this section is (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [s. 42\(2\)](#), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

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Commencement Information

I3 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

^{F8}152 Intervention in case of functions relating to water etc. **U.K.**

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Textual Amendments

F8 S. 152 omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), ss. 52(1)(b), 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(k)

153 Power to vary retrospective decisions **U.K.**

- (1) This section applies where any court or tribunal decides—
 - (a) that an Assembly Measure or Act of the [^{F1}Senedd], or any provision of an Assembly Measure or Act of the [^{F1}Senedd], is outside the [^{F1}Senedd's] legislative competence,
 - (b) that any provision of subordinate legislation made, or purporting to be made, under an Assembly Measure or Act of the [^{F1}Senedd] is outside the powers under which it was, or purported to be, made, or
 - (c) that any provision of subordinate legislation made, or purporting to be made, by the Welsh Ministers, the First Minister or the Counsel General is outside the powers under which it was, or purported to be, made.
- (2) The court or tribunal may make an order—
 - (a) removing or limiting any retrospective effect of the decision, or
 - (b) suspending the effect of the decision for any period and on any conditions to allow the defect to be corrected.
- (3) In determining whether to make an order under this section, the court or tribunal must (among other things) have regard to the extent to which persons who are not parties to the proceedings would otherwise be adversely affected by the decision.
- (4) Where a court or tribunal is considering whether to make an order under this section, it must order notice (or intimation) of that fact to be given to the persons specified in subsection (5) (unless a party to the proceedings).
- (5) The persons mentioned in subsection (4) are—
 - (a) in relation to proceedings in England and Wales, the Attorney General and the Counsel General,
 - (b) in relation to proceedings in Scotland, the Advocate General for Scotland, and
 - (c) in relation to proceedings in Northern Ireland, the Advocate General for Northern Ireland.
- (6) A person to whom notice (or intimation) is given in pursuance of subsection (4) may take part as a party in the proceedings, so far as they relate to the making of the order.
- (7) In deciding any question as to costs or expenses, the court or tribunal may—

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- (a) take account of any additional expense which it considers that any party to the proceedings has incurred as a result of the participation of any person in pursuance of subsection (6), and
 - (b) award the whole or part of the additional expense as costs or expenses to the party who incurred it (whether or not it makes an order under this section and whatever the terms of any such order it does make).
- (8) Any power to make provision for regulating the procedure before any court or tribunal includes power to make provision for the purposes of this section including, in particular, provision for determining the manner in which and the time within which any notice (or intimation) is to be given.
- (9) In subsection (1) “made” includes confirmed or approved.

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

- I4** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

154 Interpretation of legislation **U.K.**

- (1) This section applies to—
- (a) any provision of an Assembly Measure, or proposed Assembly Measure, which could be read in such a way as to be outside the [^{F1}Senedd's] legislative competence,
 - (b) any provision of an Act of the [^{F1}Senedd], or a Bill for such an Act, which could be read in such a way as to be outside the [^{F1}Senedd's] legislative competence, and
 - (c) any provision of subordinate legislation made, or purporting to be made, under an Assembly Measure or Act of the [^{F1}Senedd] which could be read in such a way as to be outside the powers under which it was, or purported to be, made.
- (2) The provision is to be read as narrowly as is required for it to be within competence or within the powers, if such a reading is possible, and is to have effect accordingly.
- (3) In subsection (1)(c) “made” includes confirmed or approved.

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

- I5** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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155 Functions exercisable in relation to Wales **U.K.**

- (1) Her Majesty may by Order in Council specify functions which are to be treated for such purposes of this Act as may be specified in the Order in Council—
- (a) as being, or as not being, functions which are exercisable by the Welsh Ministers, the First Minister or the Counsel General, or
 - (b) as being, or as not being, functions which are exercisable in relation to Wales [^{F9}or the Welsh zone].
- (2) A statutory instrument containing an Order in Council under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F9** Words in s. 155(1)(b) inserted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 43, 324, [Sch. 4 Pt. 2 para. 6\(7\)](#); [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 7](#)

Commencement Information

- I6** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

156 English and Welsh texts of legislation **U.K.**

- (1) The English and Welsh texts of—
- (a) any Assembly Measure or Act of the [^{F1}Senedd] which is in both English and Welsh when it is enacted, or
 - (b) any subordinate legislation which is in both English and Welsh when it is made,
- are to be treated for all purposes as being of equal standing.

[^{F10}(1A) Subsection (1) does not apply to any legislation to which Part 2 of the Legislation (Wales) Act 2019 applies (but section 5 of that Act makes corresponding provision in relation to legislation to which that Part applies).]

^{F11}(2)

^{F11}(3)

^{F11}(4)

^{F11}(5)

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F10** S. 156(1A) inserted (11.9.2019) by [Legislation \(Wales\) Act 2019 \(anaw 4\)](#), s. 44(1)(e), [Sch. 2 para. 2\(2\)\(a\)](#)
- F11** S. 156(2)-(5) omitted (11.9.2019) by virtue of [Legislation \(Wales\) Act 2019 \(anaw 4\)](#), s. 44(1)(e), [Sch. 2 para. 2\(2\)\(b\)](#)

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Commencement Information

I7 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25(1A)(1B) inserted by [2024 asc 4 s. 4\(1\)\(b\)](#)
- s. 25(7A) inserted by [2024 asc 4 s. 4\(1\)\(h\)](#)
- s. 155A inserted by [2014 c. 29 s. 10](#)
- Sch. 1A para. 8 and cross-heading inserted by [2024 asc 4 s. 6](#)
- Sch. 7A Section C15 para. 92 omitted by [2017 c. 4 s. 48\(1\)\(a\)](#)
- Sch. 7A Section C15 para. 93 words omitted by [2017 c. 4 s. 48\(1\)\(b\)](#)
- Sch. 7B para. 10(2)(o) inserted by [2022 c. 30 s. 143](#)
- Sch. 7B para. 11(6)(b)(x) repealed by [2023 c. 54 Sch. 11 para. 1\(b\)](#)
- Sch. 7B para. 11(6)(b)(x) word omitted by [2023 c. 54 s. 118\(c\)](#)