



Government of Wales Act 2006

2006 CHAPTER 32

PART 6

MISCELLANEOUS AND SUPPLEMENTARY

Supplementary

157 Orders [^{F1}, regulations] and directions

- (1) Any power of a Minister of the Crown or the Welsh Ministers under this Act to make an order [^{F2}or regulations] is exercisable by statutory instrument.
- (2) Any such power and any power under this Act to make an Order in Council—
 - (a) may be exercised so as to make different provision for different cases or classes of case or different purposes,
 - (b) may be exercised so as to make provision which applies generally or subject to specified exemptions or exceptions or only in relation to specific cases or classes of case, and
 - (c) includes power to make supplementary, incidental, consequential, transitory, transitional or saving provision.
- (3) Any power conferred by this Act to give a direction includes power to vary or revoke the direction.

Textual Amendments

- F1** Word in s. 157 heading inserted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 8\(2\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(q\)](#)
- F2** Words in s. 157(1) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 8\(3\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(q\)](#)

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[^{F3}157ZA] Explanatory statements in relation to certain regulations

- (1) This section applies where a draft of a statutory instrument containing regulations under section 80(8) or 109A is to be laid before each House of Parliament.
- (2) Before the draft is laid, the Minister of the Crown who is to make the instrument—
 - (a) must make a statement explaining the effect of the instrument, and
 - (b) in any case where the [^{F4}Senedd] has not made a decision to agree a motion consenting to the laying of the draft—
 - (i) must make a statement explaining why the Minister has decided to lay the draft despite this, and
 - (ii) must lay before each House of Parliament any statement provided for the purpose of this sub-paragraph to a Minister of the Crown by the Welsh Ministers giving the opinion of the Welsh Ministers as to why the [^{F4}Senedd] has not made that decision.
- (3) A statement of a Minister of the Crown under subsection (2) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (4) For the purposes of this section, where a draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.
- (5) This section does not apply to a draft of an instrument which only contains regulations under section 80(8) or 109A which only relate to a revocation of a specification.]

Textual Amendments

- F3** S. 157ZA inserted (26.6.2018 for specified purposes, 31.12.2020 in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(3)(g), [Sch. 3 para. 43](#) (with s. 19, [Sch. 8 para. 37](#)); [S.I. 2020/1622](#), reg. 3(1) (with reg. 10)
- F4** 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\(11\)-\(14\)](#))

[^{F5}157A “Devolved Welsh authority”

- (1) In this Act “devolved Welsh authority” means—
 - (a) a public authority that meets the conditions in subsection (2),
 - (b) a public authority that is specified, or is of a description specified, in Schedule 9A (whether or not it meets those conditions), or
 - (c) the governing body of an institution within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992) whose activities are carried on, or principally carried on, in Wales.
- (2) A public authority meets the conditions in this section if its functions—
 - (a) are exercisable only in relation to Wales, and
 - (b) are wholly or mainly functions that do not relate to reserved matters.
- (3) In determining for the purposes of this section whether functions of a public authority are exercisable only in relation to Wales, no account is taken of any function that—
 - (a) is exercisable otherwise than in relation to Wales, and

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- (b) could (apart from this paragraph) be conferred or imposed by provision falling within the [F4Senedd's] legislative competence (by virtue of section 108A(3)).
- (4) Where the conditions in subsection (2) are relevant to determining whether a provision of an Act of the [F4Senedd] is within the [F4Senedd's] legislative competence, the time for assessing whether those conditions are met is the time when the Act is passed.
- (5) Her Majesty may by Order in Council amend Schedule 9A—
- (a) so as to remove or revise an entry, or
- (b) so as to add or substitute a public authority whose functions—
- (i) are exercisable wholly or mainly in relation to Wales, and
- (ii) are wholly or mainly functions that do not relate to reserved matters.
- (6) 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 has been laid before, and approved by a resolution of, each House of Parliament and the [F4Senedd] .
- (7) Subsection (6) does not apply to a statutory instrument containing an Order in Council that only makes provision for—
- (a) the omission of an entry where the authority concerned has ceased to exist, or
- (b) the variation of an entry in consequence of a change of name or transfer of functions.

Such an Order in Council is subject to annulment in pursuance of a resolution of either House of Parliament.

- (8) In this section ““public authority”” means a body, office or holder of an office that has functions of a public nature.

[References in this section to Wales include, in relation to a relevant function of a public F6(9) authority, the area of the Welsh zone beyond the seaward limit of the territorial sea.

A function of a public authority is “relevant” if it relates to fishing, fisheries or fish health.]]

Textual Amendments

- F4** 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)*)
- F5** S. 157A inserted (1.4.2018) by *Wales Act 2017* (c. 4), **ss. 4(1), 71(4)** (with *Sch. 7 paras. 1, 6*); S.I. 2017/1179, *reg. 3(a)*
- F6** S. 157A(9) inserted (23.1.2021) by *Fisheries Act 2020* (c. 22), **ss. 45(3), 54(2)** (with *Sch. 4 para. 31*)

158 Interpretation

- (1) In this Act (except where the context otherwise requires)—

F7 ...

“the Convention rights” has the same meaning as in the Human Rights Act 1998 (c. 42),

“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,

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“enactment” includes an Assembly Measure, an Act of the [^{F4}Senedd] and subordinate legislation (but see also subsection (2)),

“English border area” means a part of England adjoining Wales (but not the whole of England),

“financial year” means the twelve months ending with 31st March,

“function” means power or duty,

“government department” means any department of the Government of the United Kingdom,

“international obligations” means any international obligations of the United Kingdom other than obligations to observe and implement ^{F8}... the Convention rights,

“Minister of the Crown” includes the Treasury,

“modifications” includes amendments, repeals and revocations,

[^{F9}“property” includes rights and interests of any description.]

“subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30) (including an instrument made under an Assembly Measure or Act of the [^{F4}Senedd]),

“tribunal” means any tribunal in which legal proceedings may be brought, ^{F10} . . .

“Wales” includes the sea adjacent to Wales out as far as the seaward boundary of the territorial sea.^[F11], and

“Welsh zone” means the sea adjacent to Wales which is—

- (a) within British fishery limits (that is, the limits set by or under section 1 of the Fishery Limits Act 1976), and
- (b) specified in an Order in Council under section 58 or an order under subsection (3).]

(2) In sections 95(3), 109(2)^[F12], 116C(2)^[F13], 150A(2)] and 151(2) “enactment” includes an Act of the Scottish Parliament and an instrument made under such an Act.

[^{F14}(3) The Secretary of State may by order determine, or make provision for determining, for the purposes of the definitions of “Wales” and the “Welsh zone”, any boundary between waters which are to be treated as parts of the sea adjacent to Wales, or sea within British fishery limits adjacent to Wales, and those which are not.]

(4) An Order in Council under section 58 may include any provision that may be included in an order under subsection (3).

(5) No order is to be made under subsection (3) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

(6) Section 13 of the National Audit Act 1983 (c. 44) (interpretation of references to the Committee of Public Accounts) applies for the purposes of this Act as for those of that Act.

Textual Amendments

F4 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\(11\)-\(14\)](#))

F7 Words in s. 158(1) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 3 para. 44\(a\)](#) (with s. 19, [Sch. 8 para. 37](#)); S.I. 2020/1622, reg. 3(1) (with regs. 10, 22)

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- F8** Word in s. 158(1) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\), Sch. 3 para. 44\(b\)](#) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)
- F9** Words in s. 158(1) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 6 para. 9](#) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(q)
- F10** Word in s. 158(1) repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 321, 324, Sch. 22 Pt. 1; S.I. 2009/3345, art. 2, Sch. para. 27](#)
- F11** S. 158(1): definition of "Welsh Zone" and preceding word 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\(2\), 324; S.I. 2009/3345, art. 2, Sch. para. 7](#)
- F12** Word in s. 158(2) inserted (17.2.2015) by [Wales Act 2014 \(c. 29\), ss. 6\(5\), 29\(2\)\(b\)\(3\)](#)
- F13** Word in s. 158(2) inserted (31.3.2017) by [Wales Act 2017 \(c. 4\), ss. 16\(2\), 71\(2\)\(c\)](#) (with Sch. 7 paras. 1, 6)
- F14** S. 158(3) substituted (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\(3\), 324; S.I. 2009/3345, art. 2, Sch. para. 7](#)

159 Index of defined expressions

In this Act the following expressions are defined or otherwise explained by the provisions indicated—

the 2007 election	section 161(1)
Acts of the [F4Senedd]	section 107(1)
[F15ancillary (in relation to a provision)	section 108A(7)]
annual Budget motion	section 125(1)
the [F4Senedd]	section 1(1)
F16	F16
...	...
the [F4Senedd] Commission	section 27(1)
[F4Senedd] constituency	section 2(1)
[F4Senedd] constituency member	section 1(2)(a)
F17	F17
...	...
Assembly Measures	section 93(1)
[F18Member of the Senedd]	section 1(3)
[F4Senedd] proceedings	section 1(5)
[F4Senedd] regional member	section 1(2)(b)
F19	F19
...	...
[F4Senedd's] legislative competence (in relation to Assembly Measures)	section 94
the Audit Committee	section 30(1)
the Auditor General	section 145(1)
Budget resolution of the [F4Senedd]	section 120(8)

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the Clerk	section 26(1)
the Committee of Public Accounts	section 158(6)
^{F20}	^{F20}
.
constituency vote	section 6(2)
the Convention rights	section 158(1)
the Counsel General	section 45(1)(c)
cross-border body	section 158(1)
the Deputy Presiding Officer	section 25(1)(b)
Deputy Welsh Minister	section 50
[^{F21} devolved tax	section 116A(4)]
[^{F15} devolved Welsh authority	section 157A]
electoral region figure	section 8(5)
electoral region vote	section 6(3)
enactment	section 158(1) and (2)
English border area	section 158(1)
financial year	section 158(1)
the First Minister	sections 46 and 47
function	section 158(1)
government department	section 158(1)
the initial period	section 161(5)
international obligations	section 158(1)
[^{F22} Member of the Senedd	section 1(2A)]
member of the staff of the [^{F4} Senedd]	paragraph 3(2) of Schedule 2
member of the staff of the Welsh ^{F23}	section 52
... Government	
Minister of the Crown	section 158(1)
modifications	section 158(1)
political group	section 24(5)
political group with an executive role	section 25(8)
the Presiding Officer	section 25(1)(a)
the principal accounting officer for the [^{F4} Senedd] Commission	section 138(1) and (2)
the principal accounting officer for the Welsh Ministers	section 129(6) and (7)
[^{F15} property	section 158(1)]

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regional returning officer	section 7(7)
registered political party	section 6(6)
relevant enactment (in sections 124 to 128)	section 124(4)
the relevant persons (in sections 124 to 128)	section 124(3)
[^{F15} reserved matters	Schedule 7A]
[^{F22} the Senedd	section 1(1)]
[^{F22} the Senedd Commission	section 27(1)]
the standing orders	section 31(1)
[^{F22} Senedd constituency	section 2(1)]
[^{F22} Senedd constituency member	section 1(2)(a)]
[^{F22} Senedd electoral region	section 2(2) and (3)]
[^{F22} Senedd proceedings	section 1(5)]
[^{F22} Senedd regional member	section 1(2)(b)]
[^{F22} Senedd's legislative competence (in relation to Acts of the Senedd)	section 108A]
subordinate legislation	section 158(1)
supplementary Budget motion	section 126(1)
tribunal	section 158(1)
use of resources	section 125(4)
Wales	section 158(1), (3) and (4)
Welsh ^{F23}	section 45(1)
... Government	
Welsh Consolidated Fund	section 117
the Welsh Ministers	section 45(2)
[^{F24} “Welsh zone”	section 158(1), (3) and (4)]

Textual Amendments

- F4** 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\(11\)-\(14\)](#))
- F15** Words in s. 159 inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 10\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(q)
- F16** Words in s. 159 omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 10\(2\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(q)
- F17** Words in s. 159 omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(8\)\(a\)](#)
- F18** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(16\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))

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- F19** Words in s. 159 omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(8\)\(b\)](#)
- F20** Words in s. 159 omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 3 para. 45](#) (with s. 19, [Sch. 8 para. 37](#)); S.I. 2020/1622, reg. 3(1) (with regs. 10, 22)
- F21** Words in s. 159 inserted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 6\(6\)](#), 29(2)(b)(3)
- F22** Words in s. 159 inserted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(8\)\(c\)](#)
- F23** Words in Act omitted (17.2.2015) by virtue of [Wales Act 2014 \(c. 29\)](#), [s. 4\(2\)\(a\)](#) (with s. 4(3))
- F24** S. 159: entry in index 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\(8\)](#); S.I. 2009/3345, [art. 2](#), [Sch. para. 7](#)

160 Minor and consequential amendments

- (1) For minor and consequential amendments see Schedule 10.
- (2) The Secretary of State may by order make such modifications of—
 - (a) any enactment contained in an Act passed before or in the same session as this Act, or
 - (b) any enactment contained in an instrument made before the passing of this Act or in the session in which this Act is passed,
 as the Secretary of State considers appropriate in consequence of this Act.
- (3) No order containing provision under subsection (2)(a) 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.
- (4) A statutory instrument containing an order under subsection (2) 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.

Commencement Information

- II** S. 160(1) in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5)); s. 160(2)-(4) in force at Royal Assent, see s. 161(2)

161 Commencement

- (1) Subject as follows, this Act comes into force immediately after the ordinary election under section 3 of the [Government of Wales Act 1998 \(c. 38\)](#) held in 2007 (referred to in this Act as "the 2007 election").
- (2) The following provisions come into force on the day on which this Act is passed—
 - paragraphs 5, 6 and 12 of Schedule 2,
 - sections 95 and 96 and Schedule 5,
 - section 109 and Schedule 7,
 - section 119 and the repeal by Schedule 12 of section 81 of the [Government of Wales Act 1998](#),
 - section 120(3) and (7),
 - section 125 and the repeal by Schedule 12 of section 86 of the [Government of Wales Act 1998](#),

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sections 157 to 159,
section 160(2) to (4),
the amendment made by paragraph 61 of Schedule 10 in section 13 of the
Political Parties, Elections and Referendums Act 2000 (c. 41),
this section,
section 162 and Schedule 11,
the repeal by Schedule 12 of section 12(1)(d) of the Government of Wales Act
1998, and
sections 164 to 166.

- (3) The following provisions come into force on 1st April 2007—
sections 117 and 118 and the repeal by Schedule 12 of section 80 of the
Government of Wales Act 1998,
section 120(1) and (2), (4) to (6) and (8) and the repeal by Schedule 12 of
section 84 of that Act,
sections 121 and 122 and the repeal by Schedule 12 of section 82 of that Act,
section 124 and the repeal by Schedule 12 of sections 85(1) and 89 of that Act,
section 126,
sections 128 and 129, and
the amendments in the Local Government, Planning and Land Act 1980 (c. 65),
the Local Government Finance Act 1988 (c. 41) and the Housing Act 1988 (c. 50)
made by Schedule 10.
- (4) Subject to subsections (2), (3) and (6), the following provisions come into force
immediately after the end of the initial period—
- (a) any provision of this Act so far as relating to functions of the Welsh Ministers,
the First Minister, the Counsel General or the [F4Senedd] Commission,
 - (b) any provision of this Act so far as relating to the Auditor General or the
Comptroller and Auditor General,
 - (c) any other provision consisting of an amendment made in the Government of
Wales Act 1998 (c. 38) by Schedule 10, and
 - (d) the repeal by Schedule 12 of provisions falling to be repealed in consequence
of any provision within paragraph (a), (b) or (c).
- (5) In this Act “the initial period” means the period—
- (a) beginning with the day of the poll at the 2007 election, and
 - (b) ending with the day on which the first appointment is made under section 46.
- (6) The repeals by Schedule 12 of each of sections 83, 88, 93(8), 97 and 101A of the
Government of Wales Act 1998 (and of the other provisions of that Act so far as
relating to them) come into force when the section has been complied with for the
financial year ending with 31st March 2007 (and earlier financial years); and sections
123, 131, 132 and 141 do not apply for that financial year.

F25(7)

Textual Amendments

- F4** 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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F25 S. 161(7) omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), s. 71(4), [Sch. 6 para. 11](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(q)

162 Transitional etc. provision

- (1) For transitional and transitory provisions and savings see Schedule 11.
- (2) The Secretary of State may by order make any other transitional, transitory or saving provision which may appear appropriate in consequence of, or otherwise in connection with, this Act.
- (3) An order under subsection (2) may, in particular, include any savings from the effect of any amendment or repeal or revocation made by this Act.
- (4) Nothing in Schedule 11 limits the power conferred by subsection (2); and such an order may, in particular, make modifications of that Schedule.
- (5) Nothing in that Schedule, or in any provision made by virtue of subsection (2), prejudices the operation of sections 16 and 17 of the Interpretation Act 1978 (c. 30).
- (6) No order under subsection (2) which contains provisions in the form of amendments or repeals of any provision contained in any of paragraphs 30 to 35, 50 and 51 of Schedule 11 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.
- (7) A statutory instrument containing an order under subsection (2) 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.

163 Repeals and revocations

For repeals and revocations of enactments (including some spent enactments) see Schedule 12.

Commencement Information

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

164 Financial provision

- (1) There is to be paid out of money provided by Parliament—
 - (a) any expenditure incurred by a Minister of the Crown or government department by virtue of this Act, and
 - (b) any increase attributable to this Act in the sums payable under any other Act out of money provided by Parliament.
- (2) There are to be paid into the Consolidated Fund any sums received by a Minister of the Crown by virtue of this Act (other than any required to be paid into the National Loans Fund).

165 Extent

- (1) The following provisions—

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section 36(7) to (9),
section 39, and
section 40(2) and (3),
extend only to England and Wales.

- (2) The amendments, and repeals and revocations, made by this Act have the same extent as the enactments amended or repealed or revoked.

166 Short title

This Act may be cited as the Government of Wales Act 2006.

Status:

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Changes to legislation:

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