

Status: Point in time view as at 24/03/2022.

Changes to legislation: Government of Wales Act 2006, Cross Heading: Government of Wales Act 1998 (c. 38) is up to date with all changes known to be in force on or before 15 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)

SCHEDULES

SCHEDULE 10

MINOR AND CONSEQUENTIAL AMENDMENTS

Government of Wales Act 1998 (c. 38)

41 The Government of Wales Act 1998 is amended as follows.

Commencement Information

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

42 (1) Section 28 (reform of other Welsh public bodies) is amended as follows.

(2) For “ [F1Assembly] ” (in each place) substitute “ Welsh Ministers ”.

(3) In subsection (2), for “considers” substitute “ consider ”.

(4) After subsection (7) insert—

“(7A) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of the [F1Assembly] .”

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 Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

43 (1) Section 104 (Her Majesty's Chief Inspector of Education and Training in Wales) is amended as follows.

(2) For “ [F1Assembly] ” (in each place) substitute “ Welsh Ministers ”.

(3) In subsection (2)—

(a) for “it”, in the first place, substitute “ they ”, and

(b) for “it considers” substitute “ they consider ”.

(4) In subsection (3), for “it considers” (in both places) substitute “ they consider ”.

(5) In subsection (4), for “it is” substitute “ they are ”.

(6) In subsection (4A)—

(a) for “it”, in the first and third places, substitute “ them ”, and

(b) for “it is” substitute “ they are ”.

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- (7) In subsection (4B), for “it gives its” substitute “ they give their ”.
- (8) Omit subsection (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\(11\)-\(14\)](#))

Commencement Information

I3 Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

- 44 (1) Section 105 (Forestry Commissioners) is amended as follows.
- (2) For “ [F1Assembly] ” (in each place) substitute “ Welsh Ministers ”.
- (3) In subsection (2)—
- (a) for “it”, in the first place, substitute “ they ”, and
- (b) for “considers” substitute “ consider ”.
- (4) In subsection (3), for “it considers” (in both places) substitute “ they consider ”.
- (5) In subsection (4), for “it is” substitute “ they are ”.

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 Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

- 45 (1) Section 144 (power of Secretary of State by order to make provision about accounts etc. of bodies specified in Schedule 17) is amended as follows.
- (2) In subsection (1), for “Secretary of State” substitute “ Welsh Ministers ”.
- (3) In subsection (3)—
- (a) for paragraph (a) substitute—
- “(a) the Permanent Secretary to the Welsh ^{F2}... Government to designate accounting officers and to specify their responsibilities,”; and
- (b) in paragraph (d), for “ [F1Assembly] (or, before the first ordinary election, by the Secretary of State)” substitute “ Welsh Ministers ”.
- (4) For subsection (4) substitute—
- “(4) The Welsh Ministers may by order make provision for the Permanent Secretary to the Welsh ^{F2}... Government to designate accounting officers of any body specified in Part 3 of Schedule 17 and to specify their responsibilities.

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- (4A) An order under subsection (1) or (4) may not remove or restrict any function of the Comptroller and Auditor General.”
- (5) After subsection (5) insert—
- “(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 [F1Assembly] .
- (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 [F1Assembly] .
- (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, [F1Assembly] Measure or Act of the [F1Assembly] .”
- (6) Omit subsection (6).
- (7) In subsection (8)—
- (a) for “Secretary of State” substitute “ Welsh Ministers ”, and
- (b) in paragraph (a), after “other than” insert “ the National [F1Assembly] for Wales Commission, ”.
- (8) After that subsection insert—
- “(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 [F1Assembly] .”
- (9) Omit subsection (8A).
- (10) In subsection (9), before the word “and” at the end of paragraph (b) insert—
- “(ba) “Permanent Secretary to the Welsh F2... 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 F2... Government (whether or not that person is known by the title of Permanent Secretary to the Welsh F2... Government),”.

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\(11\)-\(14\)](#))
- F2** Words in Act omitted (17.2.2015) by virtue of [Wales Act 2014 \(c. 29\)](#), s. 4(2)(a) (with s. 4(3))

Commencement Information

- I5** Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

- 46 (1) Section 145 (examinations by Auditor General into discharge of functions by bodies and offices specified in Schedule 17) is amended as follows.
- (2) In subsection (3), omit “(or, before the first ordinary election, the views of the Secretary of State)”.

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- (3) In subsection (7), for “section 96(3)(b)” substitute “ 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) ”.

Commencement Information

I6 Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

- 47 In section 145A(5) (studies by Auditor General into discharge of functions by relevant bodies: meaning of “relevant body”), for paragraph (a) substitute—
- “(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;”.

Commencement Information

I7 Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

- 48 (1) Section 145C (studies by Auditor General into discharge of functions by registered social landlords) is amended as follows.
- (2) In subsection (1), for “ [F1 Assembly] ” substitute “ Welsh Ministers ”.
- (3) In subsection (3), for “ [F1 Assembly] ” substitute “ Welsh Ministers ”.
- (4) In subsection (6), for “section 95(3)(a) or (b)” substitute “ 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) ”.
- (5) In subsection (8), for “ [F1 Assembly] ” substitute “ Welsh Ministers ”.

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

I8 Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

- 49 In section 146(4) (power of Secretary of State by order to transfer etc. functions from the Comptroller and Auditor General to the Auditor General), for “22” substitute “ 58 of the Government of Wales Act 2006 ”.

Commencement Information

I9 Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

- 50 (1) Section 146A (transfer etc. of supervisory functions from the [F1 Assembly] to the Auditor General) is amended as follows.
- (2) In subsection (1)—

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- (a) for “ [F1Assembly] ” substitute “ Welsh Ministers ”, and
 - (b) for “its” (in both places) substitute “ their ”.
- (3) In subsection (3), for “ [F1Assembly] ” substitute “ Welsh Ministers ”.
- (4) After subsection (5) insert—
- “(6) No order under subsection (1) may be made unless a draft of the statutory instrument containing it has been laid before, and approved by resolution of, the [F1Assembly] .”
- (5) In the heading, for “ [F1Assembly] ” substitute “ Welsh Ministers ”.

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

I10 Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

- 51 (1) Section 147 (power of Secretary of State by order to make provision about Environment Agency's Welsh functions) is amended as follows.
- (2) In subsection (1)(a), for “ [F1Assembly] ” substitute “ Welsh Ministers ”.
 - (3) In subsection (3), for “22” substitute “ 58 of the Government of Wales Act 2006 ”.
 - (4) In subsection (4), for “ [F1Assembly] ” (in each place) substitute “ Welsh Ministers ”.

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

I11 Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

- 52 In section 151(2) (power to make consequential amendments), for “22” substitute “ 58 of the Government of Wales Act 2006 ”.

Commencement Information

I12 Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

- 53 (1) Section 154 (orders and directions) is amended as follows.
- (2) In subsection (1), for “ [F1Assembly] ” substitute “ Welsh Ministers ”.
 - (3) In subsection (3)—
 - (a) omit paragraph (a), and
 - (b) in paragraph (b)—
 - (i) omit “96(5), 117,”, and

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(ii) omit “144(1) or (4),”.

(4) Omit subsection (4).

(5) In subsection (6)—

(a) in paragraph (a)—

(i) omit from “3” to “118(1)(f),”

(ii) omit “144(1) or (4),” and

(iii) omit “or paragraph 17(9) of Schedule 9”, and

(b) omit paragraph (b).

(6) Omit subsection (7).

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

I13 Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

54 (1) Section 155 (interpretation) is amended as follows.

(2) In subsection (1), insert the following definitions in the appropriate places—

““the [^{F1}Assembly]” means the National [^{F1}Assembly] for Wales,”

““Audit Committee” has the meaning given by section 30 of the Government of Wales Act 2006,”

““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,” and

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

(3) In that subsection, omit the definitions of “Community law” and “delegate”.

(4) In that subsection, for the definition of “Wales” substitute—

““Wales” has the same meaning as in the Government of Wales Act 2006;”.

(5) Omit subsection (2).

(6) In subsection (3), omit the words from “; and the” to the end.

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

I14 Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

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- 55 (1) Schedule 7 (Forestry Commissioners) is amended as follows.
- (2) In paragraph 2 (functions of making subordinate legislation), for sub-paragraphs (2) to (8) substitute—
- “(2) No provision—
- (a) requiring the statutory instrument, or a draft of the statutory instrument, to be laid before Parliament or either House of Parliament,
- (b) for the annulment or approval of the statutory instrument, or a draft of the statutory instrument, by or in pursuance of a resolution of either House of Parliament or of both Houses, or
- (c) prohibiting the making of the statutory instrument without such approval,
- has effect in relation to the function.
- (3) But the subordinate legislation may not be made without the consent of the Welsh Ministers.”
- (3) In paragraph 4(3) (receipts)—
- (a) for “The [F1Assembly] ” substitute “ The Welsh Ministers ”, and
- (b) for “the [F1Assembly] ” substitute “ them ”.
- (4) In paragraph 10(1) (reports), for “ [F1Assembly] directs” (in both places) substitute “ Welsh Ministers direct ”.

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

I15 Sch. 10 paras. 42-55 in force immediately after the end of "the initial period" by s. 161(4)(d)

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Changes to legislation:

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