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## SCHEDULES

### SCHEDULE 7

Section 108

#### ACTS OF THE ASSEMBLY

#### PART 1

#### SUBJECTS

*[<sup>F1</sup>Agriculture, forestry, animals, plants and rural development]*

#### Textual Amendments

- F1** Words in Sch. 7 Pt. 1 para. 1 cross-heading substituted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **3(1)**

<sup>F2</sup>1 Agriculture. Horticulture. Forestry. Fisheries and fishing. Animal health and welfare. Plant health. Plant varieties and seeds. Rural development.

In this Part of this Schedule “ animal ” means—

- (a) all mammals apart from humans, and
- (b) all animals other than mammals;

and related expressions are to be construed accordingly.]

*Exceptions—*

Hunting with dogs.

Regulation of scientific or other experimental procedures on animals.

Import and export control, and regulation of movement, of animals, plants and other things, apart from (but subject to provision made by or by virtue of any Act of Parliament relating to the control of imports or exports)—

- (a) the movement into and out of, and within, Wales of animals, animal products,<sup>F3</sup> . . . plants, plant products and other things related to them for the purposes of protecting human, animal [<sup>F4</sup>or plant] health, animal welfare or the environment or observing or implementing obligations under the Common Agricultural Policy, and
- (b) the movement into and out of, and within, Wales of animal feedstuff,<sup>F5</sup> . . . fertilisers and pesticides (or things treated by virtue of any enactment as pesticides) for the purposes of protecting human, animal [<sup>F6</sup>or plant] health or the environment.

Authorisations of veterinary medicines and medicinal products.

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### Textual Amendments

- F2** Words in Sch. 7 Pt. 1 para. 1 substituted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **3(2)**
- F3** Words in Sch. 7 Pt. 1 para. 1: exceptions "Import" para. (a) omitted (16.12.2010) by virtue of [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **3(3)(a)(i)**
- F4** Words in Sch. 7 Pt. 1 para. 1: exceptions "Import" para. (a) substituted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **3(3)(a)(ii)**
- F5** Words in Sch. 7 Pt. 1 para. 1: exceptions "Import" para. (b) omitted (16.12.2010) by virtue of [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **3(3)(b)(i)**
- F6** Words in Sch. 7 Pt. 1 para. 1: exceptions "Import" para (b) substituted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **3(3)(b)(ii)**

### *Ancient monuments and historic buildings*

- 2 Archaeological remains. Ancient monuments. Buildings and places of historical or architectural interest. Historic wrecks.

### *Culture*

- 3 Arts and crafts. Museums and galleries. Libraries. Archives and historical records. Cultural activities and projects.

#### *Exceptions—*

Public lending right.  
Broadcasting.  
Classification of films, and video recordings.  
Government indemnities for objects on loan.  
Payments to Her Majesty's Revenue and Customs in respect of property accepted in satisfaction of tax, apart from property in which there is a Welsh national interest.

### *Economic development*

- 4 Economic regeneration and development, including social development of communities, reclamation of derelict land and improvement of the environment. Promotion of business and competitiveness.

#### *Exceptions—*

Fiscal, economic and monetary policy and regulation of international trade.  
Regulation of anti-competitive practices and agreements, abuse of dominant position and monopolies and mergers.  
Intellectual property, apart from plant varieties.  
Creation, operation, regulation and dissolution of types of business association.  
Insolvency.

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Product standards, safety and liability, apart from in relation to food (including packaging and other materials which come into contact with food), agricultural and horticultural products, [<sup>F7</sup>animals and animal products,] seeds, fertilisers and pesticides (and things treated by virtue of any enactment as pesticides).

Consumer protection, including the sale and supply of goods to consumers, consumer guarantees, hire purchase, trade descriptions, advertising and price indications, apart from in relation to food (including packaging and other materials which come into contact with food), agricultural and horticultural products, [<sup>F7</sup>animals and animal products,] seeds, fertilisers and pesticides (and things treated by virtue of any enactment as pesticides).

Financial services, including investment business, banking and deposit-taking, collective investment schemes and insurance.

[<sup>F8</sup>Occupational and personal pension schemes (including schemes which make provision for compensation for loss of office or employment, compensation for loss or diminution of emoluments, or benefits in respect of death or incapacity resulting from injury or disease), apart from schemes for or in respect of Assembly members, the First Minister, Welsh Ministers appointed under section 48, the Counsel General or Deputy Welsh Ministers [<sup>F9</sup>and schemes for or in respect of members of local authorities].]

Financial markets, including listing and public offers of securities and investments, transfers of securities, insider dealing and money laundering.

Telecommunications, wireless telegraphy (including electromagnetic disturbance), internet services and electronic encryption.

Postal services, post offices and the Post Office, apart from financial assistance for the provision of services (other than postal services and services relating to money or postal orders) to be provided from public post offices.

Generation, transmission [<sup>F10</sup>, distribution] and supply of electricity <sup>F11</sup> . . . .

Energy conservation, apart from the encouragement of energy efficiency otherwise than by prohibition or regulation.

Coal, including mining and subsidence, apart from land restoration and other environmental matters.

Oil and gas <sup>F12</sup> . . . .

[<sup>F13</sup>Nuclear energy and nuclear installations][<sup>F14</sup>and the Office for Nuclear Regulation]

[ including nuclear safety and liability for nuclear occurrences;

<sup>F15</sup>(a)

(b) but not including disposal of very low level radioactive waste moved from a site requiring a nuclear site licence]]

Units and standards of weights and measurement and the regulation of trade so far as involving weighing, measuring and quantities.

Industrial Development Advisory Board.

#### Textual Amendments

- F7** Words in Sch. 7 Pt. 1 para. 4 substituted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **4(1)(2)(a)(b)**

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- F8** Sch. 7 Pt. 1: exception inserted (26.7.2007) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2007 (S.I. 2007/2143), **art. 4**
- F9** Words in Sch. 7 Pt. 1 para. 4 inserted (16.12.2010) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2010 (S.I. 2010/2968), arts. 1(2), **art. 4(1)(3)**
- F10** Words in Sch. 7 Pt. 1 para. 4 inserted (16.12.2010) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2010 (S.I. 2010/2968), arts. 1(2), **art. 4(1)(4)**
- F11** Words in Sch. 7 Pt. 1 omitted (26.7.2007) by virtue of The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2007 (S.I. 2007/2143), **art. 4**
- F12** Words in Sch. 7 Pt. 1 omitted (26.7.2007) by virtue of The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2007 (S.I. 2007/2143), **art. 4**
- F13** Sch. 7 Pt. 1: exception inserted (26.7.2007) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2007 (S.I. 2007/2143), **art. 4**
- F14** Words in Sch. 7 Pt. 1 para. 4 inserted (10.3.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 90**; S.I. 2014/251, art. 3(f)(v)
- F15** Words in Sch. 7 Pt. 1 para. 4 inserted (16.12.2010) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2010 (S.I. 2010/2968), arts. 1(2), **4(1)(5)**

### *Education and training*

- 5 Education, vocational, social and physical training and the careers service. Promotion of advancement and application of knowledge.

*Exception—*

Research Councils.

### *Environment*

- 6 Environmental protection, including pollution, nuisances and hazardous substances. [<sup>F16</sup>Prevention, reduction, collection, management, treatment and disposal of waste.] Land drainage and land improvement. Countryside and open spaces (including the designation and regulation of national parks and areas of outstanding natural beauty). Nature conservation and sites of special scientific interest. Protection of natural habitats, coast and marine environment (including seabed). Biodiversity. Genetically modified organisms. Smallholdings and allotments. Common land. Town and village greens. Burial and cremation [<sup>F17</sup>, except coroners' functions].

#### **Textual Amendments**

- F16** Words in Sch. 7 Pt. 1 para. 6 substituted (16.12.2010) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2010 (S.I. 2010/2968), arts. 1(2), **5**
- F17** Words in Sch. 7 Pt. 1 inserted (26.7.2007) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2007 (S.I. 2007/2143), **art. 5**

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### *[<sup>F18</sup>Fire and rescue services and fire safety]*

#### **Textual Amendments**

**F18** Words in Sch. 7 Pt. 1 para. 7 cross-heading substituted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **6(1)**

- 7 Fire and rescue services. [<sup>F19</sup>Provision of automatic fire suppression systems in newly constructed and newly converted residential premises.] Promotion of fire safety otherwise than by prohibition or regulation.

#### **Textual Amendments**

**F19** Words in Sch. 7 Pt. 1 para. 7 inserted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **6(2)**

### *Food*

- 8 Food and food products. Food safety (including packaging and other materials which come into contact with food). Protection of interests of consumers in relation to food.  
“Food” includes drink.

### *Health and health services*

- 9 Promotion of health. Prevention, treatment and alleviation of disease, illness, injury, disability and mental disorder. Control of disease. Family planning. Provision of health services, including medical, dental, ophthalmic, pharmaceutical and ancillary services and facilities. Clinical governance and standards of health care. Organisation and funding of national health service.

#### *Exceptions—*

Abortion.

Human genetics, human fertilisation, human embryology, surrogacy arrangements.

Xenotransplantation.

Regulation of health professionals (including persons dispensing hearing aids).

Poisons.

Misuse of and dealing in drugs.

Human medicines and medicinal products, including authorisations for use and regulation of prices.

Standards for, and testing of, biological substances (that is, substances the purity or potency of which cannot be adequately tested by chemical means).

Vaccine damage payments.

Welfare foods.

<sup>F20</sup> . . . Health and Safety Executive and Employment Medical Advisory Service and provision made by health and safety regulations.

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### Textual Amendments

**F20** Sch. 7 Pt. 1 para. 9 Exceptions: words in entry omitted (1.4.2008) by virtue of [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 22, [Sch. 3](#) (with [Sch. 2](#))

### *Highways and transport*

10 Highways, including bridges and tunnels. Streetworks. Traffic management and regulation. Transport facilities and services.

#### *Exceptions—*

[<sup>F21</sup>Registration of local bus services, and the application and enforcement of traffic regulation conditions in relation to those services.]

Road freight transport services, including goods vehicles operating licensing.

[<sup>F22</sup>Regulation of the construction and equipment of motor vehicles and trailers, and regulation of the use of motor vehicles and trailers on roads, apart from—

(a) any such regulation which—

(i) relates to schemes for imposing charges in respect of the use or keeping of vehicles on Welsh trunk roads (“trunk road charging schemes”), or

(ii) relates to the descriptions of motor vehicles and trailers which may be used under arrangements for persons to travel to and from the places where they receive education or training, unless the regulation is the setting of technical standards for construction or equipment of motor vehicles or trailers which differ from the standards that would or might otherwise apply to them; and

(b) regulation of the use of motor vehicles and trailers carrying animals for the purpose of protecting human, animal or plant health, animal welfare or the environment.]

Road traffic offences.

Driver licensing.

Driving instruction.

Insurance of motor vehicles.

Drivers' hours.

[<sup>F23</sup>Traffic regulation on special roads, apart from regulation relating to trunk road charging schemes.

Pedestrian crossings.

Traffic signs, apart from the placing and maintenance of traffic signs relating to trunk road charging schemes.

Speed limits.]

International road transport services for passengers.

Public service vehicle operator licensing.

Documents relating to vehicles and drivers for purposes of travel abroad and vehicles brought temporarily into Wales by persons resident outside the United Kingdom.

Vehicle excise duty and vehicle registration.

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Provision and regulation of railway services, apart from financial assistance which—

- (a) does not relate to the carriage of goods,
- (b) is not made in connection with a railway administration order, and
- (c) <sup>F24</sup>is not made in connection with Regulation (EC) No 1370/2007 of the European Parliament and of the Council on public passenger transport services by rail and by road <sup>F25</sup>.

<sup>F26</sup>Transport] security.<sup>F27</sup>, apart from regulation relating to the carriage of adults who supervise persons travelling to and from the places where they receive education or training]

Railway heritage.

Aviation, air transport, airports and aerodromes, apart from—

- (a) financial assistance to providers or proposed providers of air transport services or airport facilities or services,
- (b) strategies by the Welsh Ministers or local or other public authorities about provision of air services, and
- (c) regulation of use of aircraft carrying animals for <sup>F28</sup>the purposes of protecting human, animal <sup>F29</sup>or plant] health], animal welfare or the environment.

Shipping, apart from—

- (a) financial assistance for shipping services to, from or within Wales, and
- (b) regulation of use of vessels carrying animals <sup>F28</sup>the purposes of protecting human, animal <sup>F29</sup>or plant] health], animal welfare or the environment.

Navigational rights and freedoms, apart from regulation of works which may obstruct or endanger navigation.

Technical and safety standards of vessels.

Harbours, docks, piers and boatslips,<sup>F30</sup> apart from—

- (a) those used or required wholly or mainly for the fishing industry, for recreation, or for communication between places in Wales (or for two or more of those purposes), and
- (b) regulation for the purposes of protecting human, animal <sup>F29</sup>or plant] health, animal welfare or the environment.]

Carriage of dangerous goods (including transport of radioactive material).

<sup>F31</sup>Technical specifications for fuel for use in internal combustion engines.]]

### Textual Amendments

- F21** Sch. 7 Pt. 1: exception inserted (26.7.2007) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2007 \(S.I. 2007/2143\)](#), [art. 6](#)
- F22** Sch. 7 Pt. 1 para. 10: exception beginning "Regulation of the construction and equipment of motor vehicles" substituted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), [7\(1\)\(2\)](#)
- F23** Sch. 7 Pt. 1 para. 10: exceptions beginning "Traffic regulation on special roads" substituted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), [7\(1\)\(3\)](#)

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- F24** Sch. 7 Pt. 1 para. 10: exception beginning "Provision and regulation of railway services" para. (c) substituted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **7(1)(4)**
- F25** OJ No. L315, 3.12.2007, p. 1.
- F26** Words in Sch. 7 Pt. 1 substituted (26.7.2007) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2007 \(S.I. 2007/2143\)](#), **art. 6**
- F27** Sch. 7 Pt. 1 para. 10: words in exception "Transport security" inserted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **7(1)(5)**
- F28** Words in Sch. 7 Pt. 1 substituted (26.7.2007) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2007 \(S.I. 2007/2143\)](#), **art. 6**
- F29** Sch. 7 Pt. 1 para. 10: words in exceptions beginning "Aviation", "Shipping", "Harbours" substituted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **7(1)(6)**
- F30** Words in Sch. 7 Pt. 1 substituted (26.7.2007) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2007 \(S.I. 2007/2143\)](#), **art. 6**
- F31** Sch. 7 Pt. 1 para. 10: exception inserted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **7(1)(7)**

### *Housing*

- 11 <sup>[F32]</sup>Housing. Housing finance except schemes supported from central or local funds which provide assistance for social security purposes to or in respect of individuals by way of benefits.] Encouragement of home energy efficiency and conservation, otherwise than by prohibition or regulation. Regulation of rent. Homelessness. Residential caravans and mobile homes.

#### **Textual Amendments**

- F32** Words in Sch. 7 Pt. 1 substituted (26.7.2007) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2007 \(S.I. 2007/2143\)](#), **art. 7**

### *Local government*

- 12 Constitution, structure and areas of local authorities. Electoral arrangements for local authorities. Powers and duties of local authorities and their members and officers. Local government finance.

“Local authorities” does not include <sup>[F33]</sup>police and crime commissioners].

#### *Exceptions—*

- Local government franchise.
- Electoral registration and administration.
- Registration of births, marriages, civil partnerships and deaths.
- Licensing of sale and supply of alcohol, provision of entertainment and late night refreshment.

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Anti-social behaviour orders.  
Local land charges, apart from fees.  
Sunday trading.  
Provision of advice and assistance overseas by local authorities in connection with carrying on there of local government activities.

#### Textual Amendments

**F33** Words in Sch. 7 para. 12 substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 353](#); S.I. 2012/2892, art. 2(i)

#### *National Assembly for Wales*

- 13 Complaints about Assembly members (including provision for and about an office or body for investigating such complaints and reporting outcome of investigations). Assembly Commission. Salaries, allowances, pensions and gratuities for and in respect of Assembly members, the First Minister, Welsh Ministers appointed under section 48, the Counsel General and Deputy Welsh Ministers. Register of interests of Assembly members and the Counsel General. Meaning of Welsh words and phrases in Assembly Measures and Acts of the Assembly, in subordinate legislation made under Assembly Measures and Acts of the Assembly and in other subordinate legislation if made by the Welsh Ministers, the First Minister or the Counsel General. Private legislation in the Assembly. Financial assistance for political groups to which Assembly members belong. The Welsh Seal. Arrangements for the printing of Acts of the Assembly, of subordinate legislation made under Assembly Measures and Acts of the Assembly and of other subordinate legislation if made by the Welsh Ministers, the First Minister or the Counsel General.

#### *Public administration*

- 14 Public Services Ombudsman for Wales. [<sup>F34</sup>Auditor General for Wales.]. Audit, examination, regulation and inspection of auditable public authorities. Inquiries [<sup>F35</sup>in respect of matters in relation to which the Welsh Ministers, the First Minister or the Counsel General exercise functions]. Equal opportunities in relation to equal opportunity public authorities. Access to information held by open access public authorities. The following are “auditable public authorities” and “equal opportunity public authorities”—
- (a) the Assembly,
  - (b) the Assembly Commission,
  - (c) the Welsh Assembly Government,
  - (d) persons who exercise functions of a public nature and in respect of whom the Welsh Ministers exercise functions,
  - (e) persons who exercise functions of a public nature and at least half of the cost of whose functions in relation to Wales are funded (directly or indirectly) by the Welsh Ministers, and
  - (f) persons established by enactment and having power to issue a precept or levy.

The following are “open access public authorities”—

- (a) the Assembly,

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- (b) the Assembly Commission,
- (c) the Welsh Assembly Government, and
- (d) authorities which are Welsh public authorities, within the meaning of the Freedom of Information Act 2000 (c. 36).

*Exception—*

Regulation of the profession of auditor.

#### Textual Amendments

- F34** Sch. 7 Pt. 1 para. 14 words inserted (22.5.2011) by 2011 c. 4, s. 29, **Sch. 6 para. 6**
- F35** Words in Sch. 7 Pt. 1 inserted (26.7.2007) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2007 (S.I. 2007/2143), **art. 8**

#### *Social welfare*

- 15 Social welfare including social services. Protection and well-being of children (including adoption and fostering) [<sup>F36</sup>and of young adults]. Care of [<sup>F37</sup>children,] young adults, vulnerable persons and older persons, including care standards. Badges for display on motor vehicles used by disabled persons.

*Exceptions—*

Child support.

[<sup>F38</sup>Child trust funds, apart from subscriptions to such funds by—

- (a) a county council or county borough council in Wales, or
- (b) the Welsh Ministers.]

Tax credits.

Child benefit and guardian's allowance.

Social security.

[<sup>F39</sup>Independent Living Funds.

Motability.]

Intercountry adoption, apart from adoption agencies and their functions, and functions of “the Central Authority” under the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.

The Children's Commissioner (established under the Children Act 2004 (c. 31)).

Family law and proceedings, apart from—

- (a) [<sup>F40</sup>welfare advice] to courts, representation and provision of information, advice and other support to children ordinarily resident in Wales and their families, and
- (b) Welsh family proceedings officers.

#### Textual Amendments

- F36** Words in Sch. 7 Pt. 1 para. 15 inserted (16.12.2010) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2010 (S.I. 2010/2968), arts. 1(2), **8(1)(a)**

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- F37** Words in Sch. 7 Pt. 1 para. 15 inserted (16.12.2010) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2010 (S.I. 2010/2968), arts. 1(2), **8(1)(b)**
- F38** Sch. 7 Pt. 1 para. 15: exception "Child trust funds" substituted (16.12.2010) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2010 (S.I. 2010/2968), arts. 1(2), **8(2)(3)**
- F39** Sch. 7 Pt. 1: exceptions inserted (26.7.2007) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2007 (S.I. 2007/2143), **art. 9**
- F40** Sch. 7 Pt. 1 para. 15: words in exception titled "family law and proceedings" substituted (16.12.2010) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2010 (S.I. 2010/2968), arts. 1(2), **8(2)(4)**

### *Sport and recreation*

- 16 Sport and recreational activities.

*Exception—*

Betting, gaming and lotteries.

### *Tourism*

- 17 Tourism.

### *Town and country planning*

- 18 Town and country planning, including listed buildings [<sup>F41</sup>and conservation areas]. Caravan sites. Spatial planning. Mineral workings. Urban development. New towns. Protection of visual amenity.

[<sup>F42</sup>Exception—

[<sup>F43</sup>Development consent under the Planning Act 2008].]

#### **Textual Amendments**

- F41** Words in Sch. 7 Pt. 1 substituted (26.7.2007) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2007 (S.I. 2007/2143), **art. 10**
- F42** Words in Sch. 7 Pt. 1 para. 18 inserted (16.12.2010) by The National Assembly for Wales (Legislative Competence) (Amendment of Schedule 7 to the Government of Wales Act 2006) Order 2010 (S.I. 2010/2968), arts. 1(2), **9**
- F43** Words in Sch. 7 para. 18 substituted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 13 para. 79**; S.I. 2012/628, art. 7(a)

### *Water and flood defence*

- 19 Water supply<sup>F44</sup>, water resources management (including reservoirs), water quality and representation of consumers of water and sewerage services. Flood risk management and coastal protection.

*Exceptions—*

*Status: Point in time view as at 10/03/2014.*

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Appointment and regulation of any water undertaker whose area is not wholly or mainly in Wales.

Licensing and regulation of any licensed water supplier within the meaning of the Water Industry Act 1991 (c. 56), apart from regulation in relation to licensed activities using the supply system of a water undertaker whose area is wholly or mainly in Wales.]

#### Textual Amendments

**F44** Words in Sch. 7 Pt. 1 substituted (26.7.2007) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2007 \(S.I. 2007/2143\)](#), **art. 11**

#### *Welsh language*

20 Welsh language

*Exception—*

Use of the Welsh language in courts.

### PART 2

#### GENERAL RESTRICTIONS

##### *Functions of a Minister of the Crown*

- 1 (1) A provision of an Act of the Assembly cannot remove or modify, or confer power by subordinate legislation to remove or modify, any pre-commencement function of a Minister of the Crown.
- (2) A provision of an Act of the Assembly cannot confer or impose, or confer power by subordinate legislation to confer or impose, any function on a Minister of the Crown.
- (3) In this Schedule “pre-commencement function” means a function which is exercisable by a Minister of the Crown before the day on which the Assembly Act provisions come into force.

##### *Enactments other than this Act*

- 2 <sup>[F45]</sup>(1) A provision of an Act of the Assembly cannot make modifications of, or confer power by subordinate legislation to make modifications of, any of the provisions listed in the Table below—

TABLE

<i>Enactment</i>	<i>Provisions protected from modification</i>
European Communities Act 1972 (c. 68)	The whole Act

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Data Protection Act 1998 (c. 29)	The whole Act
Government of Wales Act 1998 (c. 38)	Sections 144(7), 145, 145A and 146A(1)
Human Rights Act 1998 (c. 42)	The whole Act
Civil Contingencies Act 2004 (c. 36)	The whole Act
Re-Use of Public Sector Information Regulations 2005 (S.I. 2005/1505)	The whole set of Regulations

[<sup>F46</sup>(2) Sub-paragraph (1) does not apply to any provision making modifications, or conferring power by subordinate legislation to make modifications, of section 31(6) of the Data Protection Act 1998 so that it applies to complaints under an enactment relating to the provision of redress for negligence in connection with the diagnosis of illness or the care or treatment of any patient (in Wales or elsewhere) as part of the health service in Wales.]

[<sup>F47</sup>(3) Sub-paragraph (1), so far as it applies in relation to sections 145, 145A and 146A(1) of the Government of Wales Act 1998, does not apply to a provision to which sub-paragraph (4) applies.

- (4) This sub-paragraph applies to a provision of an Act of the Assembly which—
- is a provision relating to the oversight or supervision of the Auditor General or of the exercise of the Auditor General's functions,
  - provides for the enforcement of a provision falling within paragraph (a) or is otherwise appropriate for making such a provision effective, or
  - is otherwise incidental to, or consequential on, such a provision.]

#### Textual Amendments

- F45** Sch. 7 Pt. 2 para. 2 renumbered as Sch. 7 Pt. 2 para. 2(1) (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **10(2)**
- F46** Sch. 7 Pt. 2 para. 2(2) inserted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **10(3)**
- F47** Sch. 7 Pt. 2 para. 2(3)(4) inserted (22.5.2011) by [2011 c. 4, s. 29, Sch. 6 para. 7\(2\)](#)

3 A provision of an Act of the Assembly cannot make modifications of, or confer power by subordinate legislation to make modifications of, any provision of an Act of Parliament other than this Act which requires sums required for the repayment of, or the payment of interest on, amounts borrowed by the Welsh Ministers to be charged on the Welsh Consolidated Fund.

4 A provision of an Act of the Assembly cannot make modifications of, or confer power by subordinate legislation to make modifications of, any functions of the Comptroller and Auditor General<sup>F48</sup> or the National Audit Office].

#### Textual Amendments

- F48** Words in Sch. 7 para. 4 inserted (1.4.2012) by [Budget Responsibility and National Audit Act 2011 \(c. 4\), s. 29, Sch. 5 para. 28\(1\)](#); S.I. 2011/2576, art. 5

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*This Act*

- 5 (1) A provision of an Act of the Assembly cannot make modifications of, or confer power by subordinate legislation to make modifications of, provisions contained in this Act.
- [<sup>F49</sup>(2) Sub-paragraph (1) does not apply to the following provisions—
- (a) sections 20, 22, 24, 35(1), 36(1) to (5) and (7) to (11), 53, 54, 78, 146, 147, 148 and 156(2) to (5);
  - (b) paragraph 8(3) of Schedule 2.]
  - [<sup>F50</sup>(c) any provision of Schedule 8, other than paragraphs 1(1) to (3), 2(2) to (4) and 3.]
- (3) Sub-paragraph (1) does not apply to any provision—
- (a) making modifications of so much of any enactment as is modified by this Act, or
  - (b) repealing so much of any provision of this Act as amends any enactment, if the provision ceases to have effect in consequence of any provision of, or made under, an Act of the Assembly.
- [<sup>F51</sup>(4) Sub-paragraph (1) does not apply in relation to a provision to which paragraph 2(4) applies.
- (5) But, subject to sub-paragraph (6), a provision to which paragraph 2(4) applies cannot modify, or confer power by subordinate legislation to modify, paragraph 3 of Schedule 8.
- (6) Sub-paragraph (5) does not prevent the conferral of functions on a committee of the Assembly that—
- (a) does not consist of or include any of the following persons—
    - (i) the First Minister or any person designated to exercise functions of the First Minister,
    - (ii) a Welsh Minister appointed under section 48,
    - (iii) the Counsel General or any person designated to exercise the functions of the Counsel General, or
    - (iv) a Deputy Welsh Minister, and
  - (b) is not chaired by an Assembly member who is a member of a political group with an executive role.]

**Textual Amendments**

**F49** Sch. 7 Pt. 2 para. 5(2) substituted (16.12.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Amendment of Schedule 7 to the Government of Wales Act 2006\) Order 2010 \(S.I. 2010/2968\)](#), arts. 1(2), **11**

**F50** Sch. 7 Pt. 2 para. 5(2)(c) inserted (22.5.2011) by 2011 c. 4, s. 29, [Sch. 6 para. 7\(3\)\(a\)](#)

**F51** Sch. 7 Pt. 2 para. 5(4)-(6) inserted (22.5.2011) by 2011 c. 4, s. 29, [Sch. 6 para. 7\(3\)\(b\)](#)

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### PART 3

#### EXCEPTIONS FROM PART 2

##### *Functions of Ministers of the Crown*

- 6 (1) Part 2 does not prevent a provision of an Act of the Assembly removing or modifying, or conferring power by subordinate legislation to remove or modify, any pre-commencement function of a Minister of the Crown if—
- (a) the Secretary of State consents to the provision, or
  - (b) the provision is incidental to, or consequential on, any other provision contained in the Act of the Assembly.
- (2) Part 2 does not prevent a provision of an Act of the Assembly conferring or imposing, or conferring power by subordinate legislation to confer or impose, any function on a Minister of the Crown if the Secretary of State consents to the provision.

*[<sup>F52</sup>Comptroller and Auditor General and National Audit Office]*

##### **Textual Amendments**

**F52** Sch. 7 para. 7 heading substituted (1.4.2012) by [Budget Responsibility and National Audit Act 2011 \(c. 4\), s. 29, Sch. 5 para. 28\(2\)](#); S.I. 2011/2576, [art. 5](#)

- 7 Part 2 does not prevent a provision of an Act of the Assembly modifying, or conferring power by subordinate legislation to modify, any enactment relating to the Comptroller and Auditor General<sup>F53</sup> or the National Audit Office] if the Secretary of State consents to the provision.

##### **Textual Amendments**

**F53** Words in Sch. 7 para. 7 inserted (1.4.2012) by [Budget Responsibility and National Audit Act 2011 \(c. 4\), s. 29, Sch. 5 para. 28\(1\)](#); S.I. 2011/2576, [art. 5](#)

##### *Restatement*

- 8 Part 2 does not prevent an Act of the Assembly—
- (a) restating the law (or restating it with such modifications as are not prevented by that Part), or
  - (b) repealing or revoking any spent enactment,
- or conferring power by subordinate legislation to do so.

##### *Subordinate legislation*

- 9 Part 2 does not prevent an Act of the Assembly making modifications of, or conferring power by subordinate legislation to make modifications of, an enactment for or in connection with any of the following purposes—
- (a) making different provision about the document by which a power to make, confirm or approve subordinate legislation is to be exercised,

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- (b) making provision (or no provision) for the procedure, in relation to the Assembly, to which legislation made in the exercise of such a power (or the instrument or other document in which it is contained) is to be subject, and
- (c) applying any enactment comprised in or made under an Act of the Assembly relating to the documents by which such powers may be exercised.

**Status:**

Point in time view as at 10/03/2014.

**Changes to legislation:**

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