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Changes to legislation: Government of Wales Act 2006, Part 1 is up to date with all changes known to be in force on or before 16 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

[^{F1}SCHEDULE 7A U.K.]

RESERVED MATTERS

Textual Amendments

- F1** Schs. 7A, 7B substituted for Sch. 7 (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(3\), Sch. 1](#) (with [Sch. 7 paras. 1, 2, 6](#)); [S.I. 2017/1179, reg. 2](#)

PART 1 U.K.

GENERAL RESERVATIONS

The Constitution

- 1 The following aspects of the constitution are reserved matters—
- (a) the Crown, including succession to the Crown and a regency;
 - (b) the union of the nations of Wales and England;
 - (c) the Parliament of the United Kingdom.
- 2 (1) Paragraph 1 does not reserve—
- (a) Her Majesty's executive functions,
 - (b) functions exercisable by any person acting on behalf of the Crown, or
 - (c) the use of the Welsh Seal.
- (2) Sub-paragraph (1) does not affect the reservation by paragraph 1 of the management (in accordance with any enactment regulating the use of land) of the Crown Estate.
- (3) Sub-paragraph (1) does not affect the reservation by paragraph 1 of the functions of the Security Service, the Secret Intelligence Service and the Government Communications Headquarters.
- (4) In this paragraph “executive function” does not include a function conferred or imposed by or by virtue of any legislation or the prerogative.
- 3 (1) Paragraph 1 does not reserve property belonging—
- (a) to Her Majesty in right of the Crown,
 - (b) to Her Majesty in right of the Duchy of Lancaster, or
 - (c) to the Duchy of Cornwall.
- (2) Paragraph 1 does not reserve property belonging to any person acting on behalf of the Crown or held in trust for Her Majesty for the purposes of any person acting on behalf of the Crown.
- (3) Sub-paragraphs (1) and (2) do not affect the reservation by paragraph 1 of—

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- (a) the hereditary revenues of the Crown,
 - (b) the royal arms and standard, or
 - (c) the compulsory acquisition of property—
 - (i) belonging to Her Majesty in right of the Crown;
 - (ii) belonging to Her Majesty in right of the Duchy of Lancaster;
 - (iii) belonging to the Duchy of Cornwall;
 - (iv) held or used by a Minister of the Crown or government department.
- 4 (1) Paragraph 1 does not reserve property held by Her Majesty in Her private capacity.
- (2) Sub-paragraph (1) does not affect the reservation by paragraph 1 of the subject-matter of the Crown Private Estates Acts 1800 to 1873.

Public service

- 5 The Civil Service of the State is a reserved matter.

Political parties

- 6 The following are reserved matters—
- (a) the registration of political parties;
 - (b) funding of political parties and of their members and officers;
 - (c) accounting requirements in relation to political parties;
- but this is subject to paragraph 7.
- 7 Paragraph 6 does not reserve making payments to any political party for the purpose of assisting members of the [F2Senedd] who are connected with the party to perform their [F2Senedd] duties.

Textual Amendments

- F2** 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\(11\)-\(14\)](#))

Single legal jurisdiction of England and Wales

- 8 (1) The following are reserved matters—
- (a) courts (including, in particular, their creation and jurisdiction);
 - (b) judges (including, in particular, their appointment and remuneration);
 - (c) civil or criminal proceedings (including, in particular, bail, costs, custody pending trial, disclosure, enforcement of orders of courts, evidence, sentencing, limitation of actions, procedure, prosecutors and remedies);
 - (d) pardons for criminal offences;
 - (e) private international law;
 - (f) judicial review of administrative action.

(See also paragraphs 3 and 4 of Schedule 7B (restrictions on modifying private law and criminal law).)

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- (2) The reference to prosecutors in sub-paragraph (1)(c) does not prevent an Act of the [F2Senedd] from making provision about responsibility for the prosecution of devolved offences.
- (3) Sub-paragraph (1) does not reserve—
- (a) welfare advice to courts in respect of family proceedings in which the welfare of children ordinarily resident in Wales is or may be in question;
 - (b) representation in respect of such proceedings;
 - (c) the provision of support (including information and advice), to children ordinarily resident in Wales and their families, in respect of such proceedings;
 - (d) Welsh family proceedings officers.

Textual Amendments

- F2** 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\(11\)-\(14\)](#))

Tribunals

- 9 (1) Tribunals, including—
- (a) their membership,
 - (b) the appointment and remuneration of their members,
 - (c) their functions and procedure, and
 - (d) appeals against their decisions,
- are a reserved matter.
- (2) But this paragraph does not apply to a tribunal (a ““devolved tribunal””) all of whose functions are functions that—
- (a) are exercisable only in relation to Wales, and
 - (b) do not relate to reserved matters.
- (3) In the case of a tribunal which has functions that do not relate to reserved matters, sub-paragraph (1) does not reserve any function of deciding an appeal or application which—
- (a) relates to a matter that is not a reserved matter, and
 - (b) is not an appeal against the decision of a tribunal (other than a devolved tribunal),
- but it does reserve the tribunal's procedure in relation to that function.
- (4) In determining for the purposes of this paragraph whether functions of a tribunal 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
 - (b) could (apart from paragraph 8 of Schedule 7B) be conferred or imposed by provision falling within the [F2Senedd's] legislative competence (by virtue of section 108A(3)).

[References in this paragraph to Wales include, in relation to a relevant function of a F3(4A) tribunal, the area of the Welsh zone beyond the seaward limit of the territorial sea.

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

- (5) Where the question whether this paragraph applies to a particular tribunal is relevant to determining whether a provision of an Act of the [F2Senedd] is within the [F2Senedd's] legislative competence, the time for deciding the question is the time when the Act is passed.

Textual Amendments

- F2** 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\(11\)-\(14\)](#))
- F3** Sch. 7A para. 9(4A) inserted (23.1.2021) by [Fisheries Act 2020 \(c. 22\)](#), [ss. 45\(5\)\(a\)](#), 54(2) (with [Sch. 4 para. 31](#))

Foreign affairs etc

- 10 (1) International relations, regulation of international trade, and international development assistance and co-operation are reserved matters.
- (2) In sub-paragraph (1) “international relations” includes—
- (a) relations with territories outside the United Kingdom;
 - (b) relations with the EU and its institutions;
 - (c) relations with other international organisations.
- (3) But sub-paragraph (1) does not reserve—
- (a) observing and implementing international obligations [F4and] obligations under the Human Rights Convention F5..., or
 - (b) assisting Ministers of the Crown in relation to any matter to which that sub-paragraph applies.
- (4) In this paragraph “the Human Rights Convention” means—
- (a) the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950, and
 - (b) the Protocols to the Convention,
- as they have effect for the time being in relation to the United Kingdom.

Textual Amendments

- F4** Word in Sch. 7A para. 10(3)(a) substituted for comma (11.3.2021) by [The Government of Wales Act 2006 \(Amendment\) Order 2021 \(S.I. 2021/290\)](#), arts. 1(1), [2\(2\)\(a\)](#)
- F5** Words in Sch. 7A para. 10(3)(a) omitted (11.3.2021) by virtue of [The Government of Wales Act 2006 \(Amendment\) Order 2021 \(S.I. 2021/290\)](#), arts. 1(1), [2\(2\)\(b\)](#)

Defence

- 11 The following are reserved matters—
- (a) the defence of the realm;
 - (b) the naval, military or air forces of the Crown, including reserve forces;

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- (c) visiting forces;
- (d) international headquarters and defence organisations;
- (e) trading with the enemy and enemy property.]

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