



# Wales Act 2017

## CHAPTER 4

### WALES ACT 2017

#### PART 1

##### CONSTITUTIONAL ARRANGEMENTS

###### *Permanence of the National Assembly for Wales and Welsh Government*

- 1 Permanence of the National Assembly for Wales and Welsh Government

###### *Convention about Parliament legislating on devolved matters*

- 2 Convention about Parliament legislating on devolved matters

###### *Legislative competence*

- 3 Legislative competence
- 4 Devolved Welsh authorities

###### *Elections*

- 5 Power to make provision about elections
- 6 Timing of elections
- 7 Electoral registration: the digital service
- 8 Elections of police and crime commissioners

###### *Other provision about legislation by the Assembly*

- 9 Super-majority requirement for certain legislation
- 10 Super-majority requirement: amendments relating to procedure etc
- 11 Introduction of Bills: justice impact assessment
- 12 Submission of Bills for Royal Assent: role of Presiding Officer

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*Other provision about the Assembly*

- 13 Financial control, accounts and audit
- 14 Composition of Assembly committees
- 15 Assembly proceedings: participation by UK Ministers etc
- 16 Change of name of the Assembly etc: translation of references

*Taxation and borrowing*

- 17 Welsh rates of income tax: removal of referendum requirement
- 18 Lending for capital expenditure

*Executive competence etc*

- 19 Functions of Welsh Ministers
- 20 Implementation of EU law
- 21 Transfer of Ministerial functions
- 22 Consultation about cross-border bodies

**PART 2**

LEGISLATIVE AND EXECUTIVE COMPETENCE: FURTHER PROVISION

*Onshore petroleum*

- 23 Onshore petroleum licensing
- 24 Onshore petroleum: existing licences
- 25 Onshore petroleum: right to use deep-level land in Wales

*Road transport*

- 26 Roads: speed limits, pedestrian crossings and traffic signs
- 27 Bus service registration and traffic commissioners
- 28 Taxis: transfer of functions to Welsh Ministers

*Harbours: transfer of executive functions*

- 29 Welsh harbours
- 30 Amendments of Harbours Act 1964
- 31 Application of general provisions to transfer of functions in sections 29 and 30
- 32 Reserved trust ports
- 33 Development consent

*Harbours: consultation and consent requirements*

- 34 Exercise of functions in relation to cross-border harbours
- 35 Cross-border exercise of pilotage functions
- 36 Exercise of functions in relation to two or more harbours
- 37 Consequential amendments to consent requirements in Harbours Act 1964
- 38 Sections 34 to 37: supplementary

*Planning for electricity generating stations*

- 39 Development consent for generating stations with 350MW capacity or less
- 40 Generating stations and public rights of navigation

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- 41 Safety zones around renewable energy installations
- 42 Overhead lines associated with devolved Welsh generating stations
- 43 Alignment of associated development consent

#### *Equal opportunities*

- 44 Equal opportunities: public sector equality duty
- 45 Public sector duty regarding socio-economic inequalities

#### *Marine licensing and conservation*

- 46 Marine licensing in the Welsh offshore region
- 47 Marine conservation zones

#### *Water etc*

- 48 Water and sewerage
- 49 Modification of water-related functions
- 50 Water protocol
- 51 Reciprocal cross-border duties in relation to water
- 52 Repeal of intervention powers relating to water

#### *Miscellaneous*

- 53 Transfer of functions in relation to fishing vessels
- 54 Transfer of functions in relation to excepted energy buildings
- 55 Renewable energy incentive schemes
- 56 Financial assistance for inland waterway and sea freight
- 57 Maritime and Coastguard Agency
- 58 Gaming machines on licensed betting premises

### **PART 3**

#### WELSH TRIBUNALS

- 59 The Welsh tribunals
- 60 President of Welsh Tribunals
- 61 Directions as to practice and procedure
- 62 Cross-deployment of members of the Welsh tribunals
- 63 Cross-deployment of tribunal members and judges
- 64 Power to amend section 63

### **PART 4**

#### MISCELLANEOUS

- 65 Provision of information to the Office for Budget Responsibility
- 66 Gas and Electricity Markets Authority
- 67 Licensing of coal-mining operations: approval by Welsh Ministers
- 68 Office of Communications

### **PART 5**

#### GENERAL

- 69 Consequential provision
- 70 Transitional provision and savings
- 71 Commencement

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72 Short title

SCHEDULES

SCHEDULE 1 — New Schedule 7A to the Government of Wales Act 2006  
This Schedule sets out the new Schedule 7A to the...

SCHEDULE 2 — New Schedule 7B to the Government of Wales Act 2006  
This Schedule sets out the new Schedule 7B to the...

SCHEDULE 3 — New Schedule 9A to the Government of Wales Act 2006  
This Schedule sets out the new Schedule 9A to the...

SCHEDULE 4 — New Schedule 3A to the Government of Wales Act 2006  
This Schedule sets out the new Schedule 3A to the...

SCHEDULE 5 — President of Welsh Tribunals  
Part 1 — APPOINTMENT

*Duty to fill vacancies*

1 (1) If there is a vacancy in the office of...

*The two routes to appointment: agreement under this paragraph or selection under Part 2*

2 (1) The Lord Chief Justice, before he or she may...  
Part 2 — SELECTION BY THE JUDICIAL APPOINTMENTS COMMISSION

*Eligibility for selection*

3 A person is eligible for selection in pursuance of a...

*The selection process*

4 (1) On receiving a request from the Lord Chief Justice...

*Merit and good character*

5 (1) This paragraph applies to any selection by a selection...

*Encouragement of diversity*

6 (1) A selection panel appointed under paragraph 4, in performing...

*Regulations about selection*

7 (1) The Lord Chancellor must by regulations made with the...

*Withdrawal and modification of requests*

8 (1) The Lord Chief Justice may withdraw a request under...

*Effect of acceptance of selection*

9 (1) Subject to the following provisions of this paragraph, where...  
Part 3 — TERMS OF OFFICE

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*Tenure, removal, resignation etc*

- 10 (1) If— (a) a person is appointed to the office...
- 11 A person who holds the office of President of Welsh...
- 12 (1) The Lord Chief Justice, if satisfied by means of...

*Remuneration, allowances and expenses*

- 13 The Welsh Ministers may pay to the President of Welsh...

*Oaths*

- 14 (1) A person appointed to the office of President of...

SCHEDULE 6 — Minor and consequential amendments

Part 1 — AMENDMENTS OF THE GOVERNMENT OF WALES ACT 2006

- 1 The Government of Wales Act 2006 is amended as follows...
- 2 Omit sections 103 to 106A (commencement of Assembly Act provisions)...
- 3 (1) Section 109 (legislative competence: supplementary) is amended as follows...
- 4 In section 114 (power to intervene in certain cases), in...
- 5 (1) Section 116 (Welsh Seal and Letters Patent) is amended...
- 6 In section 116B (status of officials of body that collects...
- 7 In section 116M (duty to disclose information on Welsh land...
- 8 (1) Section 157 (orders and directions) is amended as follows...
- 9 In section 158 (interpretation), in subsection (1), at the appropriate...
- 10 (1) Section 159 (index of defined expressions) is amended as...
- 11 In section 161 (commencement) omit subsection (7).
- 12 In Schedule 3 (transfer etc of functions: further provision), in...
- 13 Omit Schedule 6 (referendums on commencement of Assembly Act provisions)...
- 14 In Schedule 10 (minor and consequential amendments) omit paragraphs 14,...

Part 2 — AMENDMENTS RELATING TO ONSHORE PETROLEUM

*Petroleum Act 1998 (c. 17)*

- 15 (1) Section 4 of the Petroleum Act 1998 (licences: further...
- 16 (1) Section 4A of that Act (onshore hydraulic fracturing: safeguards)...
- 17 (1) Section 4B of that Act (section 4A: supplementary provision)...
- 18 In section 7(2)(d) of that Act (ancillary rights)—

*Oil Taxation Act 1975 (c. 22)*

- 19 (1) Section 12 of the Oil Taxation Act 1975 (interpretation...
- 20 In Schedule 1 to that Act (determination of oil fields),...

*Taxation of Chargeable Gains Act 1992 (c. 12)*

- 21 (1) Section 196 of the Taxation of Chargeable Gains Act...

*Finance Act 1993 (c. 34)*

- 22 (1) Section 185 of the Finance Act 1993 (abolition of...

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*Capital Allowances Act 2001 (c. 2)*

- 23 In section 556(2)(a) of the Capital Allowances Act 2001 (definition...)

*Energy Act 2004 (c. 20)*

- 24 In section 188 of the Energy Act 2004 (power to...)

*Corporation Tax Act 2010 (c. 4)*

- 25 (1) Section 332DA of the Corporation Tax Act 2010 (restriction...  
26 In section 356IB of that Act (authorisation of development: oil...  
27 In section 356J of that Act (authorisation of development: drilling...)

*Infrastructure Act 2015 (c. 7)*

- 28 (1) Section 45 of the Infrastructure Act 2015 (payment schemes...  
29 (1) Section 46 of that Act (notice schemes relating to...  
30 (1) Section 47 of that Act (payment and notice schemes:...  
31 (1) Section 48 of that Act (interpretation) is amended as...  
32 (1) Section 55 of that Act (regulations and orders) is...

Part 3 — OTHER AMENDMENTS

*National Audit Act 1983 (c. 44)*

- 33 (1) Section 6 of the National Audit Act 1983 (public...  
34 (1) Section 8 of that Act (right to obtain documents...  
35 In section 9 of that Act (reports to House of...)

*Road Traffic Regulation Act 1984 (c. 27)*

- 36 (1) Section 17 of the Road Traffic Regulation Act 1984...  
37 (1) Section 65 of that Act (powers of traffic authorities...  
38 In section 72 of that Act (powers exercisable by parish...  
39 (1) Section 81 of that Act (general speed limit for...  
40 In section 83 of that Act (provisions as to directions...  
41 (1) Section 85 of that Act (traffic signs for indicating...  
42 (1) Section 88 of that Act (temporary speed limits) is...  
43 (1) Section 134 of that Act (regulations) is amended as...

*Transport Act 1985 (c. 67)*

- 44 In section 134 of the Transport Act 1985 (regulations, rules...  
45 In section 135 of that Act (procedure for making regulations,...)

*Road Traffic Act 1988 (c. 52)*

- 46 In section 36 of the Road Traffic Act 1988 (offence...)

*Electricity Act 1989 (c. 29)*

- 47 In section 36 of the Electricity Act 1989 (consents required...  
48 In section 36C of that Act (variation of consents under...  
49 In section 106 of that Act (regulations and orders)—  
50 (1) Schedule 8 to that Act (consents under sections 36...  
51 In paragraph 1 of Schedule 9 to that Act (preservation...)

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*Human Fertilisation and Embryology Act 1990 (c. 37)*

52 In section 45A of the Human Fertilisation and Embryology Act...

*Judicial Pensions and Retirement Act 1993 (c. 8)*

53 In Schedule 5 to the Judicial Pensions and Retirement Act...

*Government of Wales Act 1998 (c. 38)*

54 In section 145 of the Government of Wales Act 1998...

55 In Schedule 6 to that Act (Her Majesty's Chief Inspector...

*Care Standards Act 2000 (c. 14)*

56 In Schedule 2 to the Care Standards Act 2000 (the...

*Local Government Act 2000 (c. 22)*

57 In section 7 of the Local Government Act 2000 (power...

58 In section 77 of that Act (adjudications) omit subsection (5)....

*Female Genital Mutilation Act 2003 (c. 31)*

59 (1) Section 5C of the Female Genital Mutilation Act 2003...

*Energy Act 2004 (c. 20)*

60 (1) Section 192 of the Energy Act 2004 (powers exercisable...

61 In Schedule 16 to that Act (applications and proposals for...

*Constitutional Reform Act 2005 (c. 4)*

62 In section 109 of the Constitutional Reform Act 2005 (disciplinary...

*Public Services Ombudsman (Wales) Act 2005 (c. 10)*

63 In Schedule 1 to the Public Services Ombudsman (Wales) Act...

*Commissioners for Revenue and Customs Act 2005 (c. 11)*

64 In section 18 of the Commissioners for Revenue and Customs...

*Commissioner for Older People (Wales) Act 2006 (c. 30)*

65 In Schedule 1 to the Commissioner for Older People (Wales)...

*Legislative and Regulatory Reform Act 2006 (c. 51)*

66 (1) Section 24 of the Legislative and Regulatory Reform Act...

67 In section 27 of that Act (power to make orders,...

*Tribunals, Courts and Enforcement Act 2007 (c. 15)*

68 (1) Section 47 of the Tribunals, Courts and Enforcement Act...

*Statistics and Registration Service Act 2007 (c. 18)*

69 In section 66 of the Statistics and Registration Service Act...

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*Consumers, Estate Agents and Redress Act 2007 (c. 17)*

70 In section 37 of the Consumers, Estate Agents and Redress...

*Regulatory Enforcement and Sanctions Act 2008 (c. 13)*

71 In section 74 of the Regulatory Enforcement and Sanctions Act...

*Human Fertilisation and Embryology Act 2008 (c. 22)*

72 In section 64 of the Human Fertilisation and Embryology Act...

*Climate Change Act 2008 (c. 27)*

73 In section 70 of the Climate Change Act 2008 (interpretation),...

*Planning Act 2008 (c. 29)*

74 In section 149A of the Planning Act 2008 (deemed consent...

75 Omit section 202 of that Act (powers of National Assembly...

76 In Schedule 5 to that Act (provision relating to, or...

*Marine and Coastal Access Act 2009 (c. 23)*

77 In section 12 of the Marine and Coastal Access Act...

78 In section 13 of that Act (safety zones: functions under...

79 In section 60 of that Act (meaning of ““retained functions””...

80 (1) Section 78 of that Act (special procedure for applications...

81 (1) Section 79 of that Act (special procedure for applications...

*Welfare Reform Act 2009 (c. 24)*

82 In section 45 of the Welfare Reform Act 2009 (the...

*Equality Act 2010 (c. 15)*

83 (1) Section 2 of the Equality Act 2010 (power to...

84 (1) Section 157 of that Act (interpretation) is amended as...

*Flood and Water Management Act 2010 (c. 29)*

85 In section 28 of the Flood and Water Management Act...

*Budget Responsibility and National Audit Act 2011 (c. 4)*

86 In Schedule 5 to the Budget Responsibility and National Audit...

87 Omit Schedule 6 to that Act (amendments of Schedules 5...

*Police Reform and Social Responsibility Act 2011 (c. 13)*

88 In Schedule 16 to the Police Reform and Social Responsibility...

*Localism Act 2011 (c. 20)*

89 In section 51 of the Localism Act 2011 (meaning of...

90 In section 61 of that Act (meaning of ““Welsh public...

91 In Schedule 13 to that Act (Infrastructure Planning Commission: transfer...



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*Welsh Language (Wales) Measure 2011 (nawm 1)*

92 In the Welsh Language (Wales) Measure 2011 omit section 124...

*Protection of Freedoms Act 2012 (c. 9)*

93 In Schedule 3 to the Protection of Freedoms Act 2012...

*The Special Educational Needs Tribunal for Wales Regulations 2012 (S.I. 2012/ 322 (W.53))*

94 In the Special Educational Needs Tribunal for Wales Regulations 2012...

*Energy Act 2013 (c. 32)*

95 In Schedule 12 to the Energy Act 2013 (minor and...

*Public Audit (Wales) Act 2013 (anaw 3)*

96 In Schedule 4 to the Public Audit (Wales) Act 2013...

*Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*

97 In Schedule 11 to the Anti-social Behaviour, Crime and Policing...

*Water Act 2014 (c. 21)*

98 In Schedule 7 to the Water Act 2014 (further amendments)...

*Wales Act 2014 (c. 29)*

99 In section 6 of the Wales Act 2014 (taxation: introductory)...

100 In section 7 of that Act (amendments relating to the...

101 Omit section 22 of that Act (budgetary procedures).

*Counter-Terrorism and Security Act 2015 (c. 6)*

102 In section 29 of the Counter-Terrorism and Security Act 2015...

103 In section 30 of that Act (power to give directions:...

104 (1) Section 35 of that Act (Chapter 1: interpretation) is...

*Deregulation Act 2015 (c. 20)*

105 (1) Section 109 of the Deregulation Act 2015 (functions to...

*Small Business, Enterprise and Employment Act 2015 (c. 26)*

106 In section 18 of the Small Business, Enterprise and Employment...

107 In section 22 of that Act (meaning of ““qualifying regulatory...

108 In section 39 of that Act (regulations about procurement), in...

109 (1) Section 153C of that Act (power to relax restriction...

110 In section 157 of that Act (power of Secretary of...

*Housing and Planning Act 2016 (c. 22)*

111 (1) Section 207 of the Housing and Planning Act 2016...

112 (1) Section 208 of that Act (duty of public authorities...

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*Immigration Act 2016 (c. 19)*

113 In section 78 of the Immigration Act 2016 (meaning of...

SCHEDULE 7 — Transitional provisions

*Main transitional provisions about the Assembly's legislative competence*

- 1 The amendments made by this Act do not affect—
- 2 (1) The amendments made by section 3 and Schedules 1...

*Power to alter name of the Assembly etc; financial control, accounts and audit*

- 3 (1) After the period of two months beginning with the...

*Repeals of sections 105 and 106 of the 2006 Act*

- 4 (1) The repeal by this Act of section 105 of...
- 5 (1) The repeal by this Act of section 106(2) of...

*Transfer of functions*

- 6 (1) Nothing in a provision of this Act affects the...

*Water Act 2014*

- 7 Until section 1 of the Water Act 2014 comes into...

*Development consent for generating stations*

- 8 (1) The amendments made by sections 39 to 42 and...

*Marine licensing in the Welsh offshore region*

- 9 (1) The amendments made by section 46 do not apply...

*Safety zones around renewable energy installations*

- 10 The amendments made by section 41 do not apply in...
- 11 For the purposes of paragraph 10 an application is not...

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**Changes and effects yet to be applied to :**

- specified provision(s) transitional and savings provisions for commencing S.I. 2017/1179 by [S.I. 2018/278](#) [reg. 2](#)[Sch.](#)