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STATUTORY INSTRUMENTS

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**2000 No. 253**

**The National Assembly for Wales  
(Transfer of Functions) Order 2000**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the National Assembly for Wales (Transfer of Functions) Order 2000.

(2) This Order shall come into force on 16th February 2000 except that, in relation to the entry in Schedule 1 to this Order in respect of the Jobseekers Act 1995(1), this Order shall come into force on 1st April 2000.

(3) In this Order —

“the 1969 transfer order” means the Transfer of Functions (Wales) Order 1969(2);

“the 1978 transfer order” means the Transfer of Functions (Wales) (No. 1) Order 1978(3);

“the 1999 transfer order” means the National Assembly for Wales (Transfer of Functions) Order 1999(4);

“the Act” means the Government of Wales Act 1998;

“the Assembly” means the National Assembly for Wales;

“former function” means a function of the Assembly that was transferred to it by the 1999 transfer order but which, by virtue of article 4 of, and Schedule 3 to, this Order, ceases to be exercisable by the Assembly.

**Transfer of functions etc.**

2.—(1) Except as provided in this article, all functions of a Minister of the Crown under the enactments specified in Schedule 1 to this Order are, to the extent there specified and so far as exercisable in relation to Wales, transferred to the Assembly and the provisions contained in Schedule 1, in relation to the enactments specified therein, shall have effect.

(2) Where so directed in Schedule 1 functions exercisable by a Minister of the Crown shall, so far as exercisable in relation to Wales, be exercisable by the Assembly concurrently with the Minister.

(3) It is directed that (except in the case of functions which are exercisable by the Assembly “jointly” with a Minister of the Crown) functions under any of the enactments specified in Schedule 1 which are exercisable by a Minister of the Crown in relation to a cross-border body but which, by their nature, are not functions which can be specifically exercised in relation to Wales, shall be exercisable by the Assembly in relation to that body concurrently with the Minister of the Crown.

(4) Schedule 1 does not transfer any power under which provisions of an Act of Parliament may be brought into force by order made by a Minister of the Crown.

(5) Schedule 1 does not transfer any functions of the Lord Chancellor or the Attorney General.

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(1) 1995 c. 18.  
(2) S.I.1969/388.  
(3) S.I. 1978/272.  
(4) S.I. 1999/672.

### **Minister of the Crown functions exercisable with Assembly agreement**

3. It is directed that the functions exercisable by a Minister of the Crown under the enactments specified in Schedule 2 to this Order shall, so far as they are exercisable in relation to Wales and as specified in the said Schedule, be exercisable by the Minister only with the agreement of the Assembly.

### **Variation of the 1999 Transfer Order**

4. Schedule 3 (variation of the 1999 transfer order) to this Order shall have effect.

### **Miscellaneous Provisions**

5. A former function shall be exercisable by the Minister of the Crown by whom it was exercisable, in relation to Wales, immediately before 1st July 1999.

6.—(1) This article applies to any inquiry the procedures of which are prescribed by the Rules specified in Schedule 4 to this Order.

(2) In relation to any inquiry to which this article applies, references in each of the said Rules to “government policy” shall have effect as if they included reference to policy adopted or formulated by the Assembly.

(3) In relation to any inquiry to which this article applies and which is held or caused to be held other than by the Assembly, references to a government department shall have effect as if they included reference to the Assembly.

(4) In the preceding paragraph (3), reference to an inquiry does not include an inquiry held by an inspector where jurisdiction to determine the appeal to which that inquiry relates has been transferred to the inspector by the Assembly.

7. Schedule 5 (modification of enactments) to this Order shall have effect.

8. Any reference in this Order to a function of a Minister of the Crown under an enactment includes a reference to any functions of that Minister which are included in any scheme, regulations, rules, order, bye-laws or other instrument having effect under or in relation to that enactment, and the power to confer functions on that Minister by any such scheme, regulations, rules, order, bye-laws or other instrument shall have effect as a power to confer such functions on the Assembly.

9.—(1) This article applies where —

- (a) any function under an enactment is expressly required to be exercised by two or more Ministers of the Crown acting jointly; and
- (b) any transfer in respect thereof in this Order does not transfer to the Assembly the functions of all such Ministers of the Crown.

(2) Where this article applies, section 42 of the Act shall not have effect to allow the function to be exercised by the Assembly otherwise than in accordance with the joint action requirement.

### **Transfer of property etc.**

10. The provisions of section 23(1) of the Act shall not apply to any documentary or electronic records.

11.—(1) Subject to paragraph (2), Schedule 6 (transfer of property, rights, liabilities etc from the Assembly to Ministers of the Crown) shall have effect.

(2) Schedule 6 does not apply to rights or liabilities relating to the employment of persons in Crown employment (as defined in section 191(3) of the Employment Rights Act 1996<sup>(5)</sup>).

**Revocation**

**12.** The National Assembly for Wales (Transfer of Functions) (No.2) Order 1999<sup>(6)</sup> is revoked.

*A.K. Galloway*  
Clerk of the Privy Council

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<sup>(5)</sup> 1996 c. 18.  
<sup>(6)</sup> S.I. 1999/2787.