
EXPLANATORY NOTE

(This note is not part of the Order)

Article 2(1) of, and Schedule 1 to, the Order provide (subject to the following provisions of article 2) for the exercise by the National Assembly for Wales (“the Assembly”) of statutory functions currently vested in Ministers of the Crown. All functions are vested in the Assembly for exercise in relation to Wales.

The functions which become exercisable by the Assembly in pursuance of this Order are functions under the enactments listed in Schedule 1. Listing is as follows –

Public Acts are listed first followed by a list of statutory instruments;

all enactments are listed in chronological order;

Article 2(2) provides that certain functions are to be exercisable by the Assembly concurrently with a Minister of the Crown.

Article 2(3) provides generally that functions exercisable in relation to a cross-border body which, by their nature are not functions which can be specifically exercised in relation to Wales, are to be exercisable by the Assembly in relation to that body rather than in relation to Wales and are to be exercisable concurrently with the Minister of the Crown by whom they are exercisable.

Article 2(4) excludes from transfer any power under which provisions of an Act may be brought into force by order.

Article 2(5) excludes from transfer any functions of the Lord Chancellor or the Attorney General.

Article 3 of and Schedule 2 to the Order provide, in pursuance of section 22(1)(c) of the Government of Wales Act 1998, that functions of a Minister of the Crown under the enactments specified in Schedule 2 are to be exercisable in relation to Wales only with the agreement of the Assembly.

Article 4 of and Schedule 3 to the Order provides for variation of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. [1999/672](#)) in relation to entries for certain Acts in Schedule 1 to that Order.

Article 5 provides that, where a function that had been transferred to the Assembly by S.I. [1999/672](#) ceases to be exercisable by it by virtue of the Order, the function shall be exercisable by the Minister of the Crown by whom it was exercisable in relation to Wales immediately before 1st July 1999 (being the date that S.I. [1999/672](#) transferred the function to the Assembly).

Article 6 applies to the Assembly and its policies certain provisions applicable to government departments and government policy in the various inquiry procedure Rules specified in Schedule 4 to the Order.

Article 7 of, and Schedule 5 to, the Order modify certain enactments.

Article 8 provides that the vesting in the Assembly of functions exercisable under any enactment includes functions exercisable by virtue of subordinate legislation made thereunder.

Article 9 provides that section 42 of the Government of Wales Act 1998 shall not empower a function to be exercised by the Assembly on its own in cases where there is a statutory requirement for joint action which has been preserved by not transferring to the Assembly the function of all the Ministers who are required to act jointly.

Article 10 provides for the exclusion of documentary or electronic records from transfer to the Assembly as would otherwise take place by virtue of section 23 of the Government of Wales Act 1998 (general transfer of property, right and liabilities etc.).

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Assembly for Wales (Transfer of Functions) Order 2000. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 11 of, and Schedule 6 to, the Order provide for the transfer to Ministers of the Crown of property, rights, liabilities etc. of the Assembly in relation to those functions that are transferred to Ministers of the Crown in consequence of the functions ceasing to be exercisable by the Assembly by virtue of the Order.

Article 12 revokes the National Assembly for Wales (Transfer of Functions) (No. 2) Order 1999 (S.I. [1999/2787](#)). This is in consequence of the new entry for the Water Industry Act 1991 inserted into S.I. [1999/672](#) by Schedule 3 to the Order. That new entry in varying the original entry for that Act in S.I. [1999/672](#) has included the functions transferred under S.I. [1999/2787](#).

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Changes and effects yet to be applied to :

- art. 2 coming into force by [S.I. 2000/253 art. 1\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order modified by [S.I. 2004/3156 art. 14](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1(crossheading)(public)(general)(acts) coming into force by [S.I. 2000/253 art. 1\(2\)](#)
- Sch. 1(crossheading)(statutory)(instruments) coming into force by [S.I. 2000/253 art. 1\(2\)](#)