
STATUTORY INSTRUMENTS

2007 No. 1270

**The Government of Wales Act 2006
(Transitional Provisions) Order 2007**

Devolution Issues

3.—(1) This article shall apply where a devolution issue within the meaning of paragraph 1(1) of Schedule 8 to the Government of Wales Act 1998 arises in any proceedings commenced before the end of the initial period and that devolution issue has not been determined by that date.

(2) Subject to paragraph (3), that devolution issue shall, after the end of the initial period, be treated as a devolution issue arising under paragraph 1(1) of Schedule 9 to the Government of Wales Act 2006(1).

(3) In the case of a question arising under—

- (a) paragraph 1(1)(a) or (b) of the said Schedule 8, it shall be treated as a question arising under paragraph 1(1)(b) or, as the case may be, (c) of the said Schedule 9 in relation to the Welsh Ministers, the First Minister or the Counsel General to the extent that the function of the 1998 Act Assembly is exercisable by the Welsh Ministers, the First Minister or, as the case may be, the Counsel General immediately after the end of the initial period;
- (b) paragraph 1(1)(c) of the said Schedule 8, it shall be treated as a question arising under paragraph 1(1)(d) of the said Schedule 9 in relation to the Welsh Ministers, the First Minister or the Counsel General to the extent that the duty of the 1998 Act Assembly is imposed on the Welsh Ministers, the First Minister or, as the case may be, the Counsel General immediately after the end of the initial period;
- (c) paragraph 1(1)(d) of the said Schedule 8, it shall be treated as a question arising under paragraph 1(1)(e) of the said Schedule 9 in relation to the Welsh Ministers, the First Minister or the Counsel General to the extent that the failure to act by the 1998 Act Assembly is treated as a failure to act by the Welsh Ministers, the First Minister or, as the case may be, the Counsel General immediately after the end of the initial period.

(4) In the proceedings the Counsel General shall be substituted for the 1998 Act Assembly to the extent that that Assembly is a party to those proceedings for the purpose of the determination of the devolution issue.

(5) Anything which is done by or in relation to the 1998 Act Assembly in those proceedings for the purpose of or in connection with the determination of the devolution issue under the said Schedule 8 and which is in effect immediately before the end of the initial period shall have effect after that date as if done by or in relation to the Counsel General for the purpose of the determination of the devolution issue under the said Schedule 9.

(6) In this article, “the 1998 Act Assembly” means the Assembly constituted by the Government of Wales Act 1998.

(1) See paragraphs 66 and 67 of Schedule 11 to the Government of Wales Act 2006 for modifications to Schedule 9 to that Act pending the coming into force of section 23(1) of the [Constitutional Reform Act 2005 \(c.4\)](#).