

2007 No. 848

CONSTITUTIONAL LAW

DEVOLUTION, WALES

**The Government of Wales Act 2006 (Designation of Receipts)
Order 2007**

<i>Made</i>	- - - -	<i>14th March 2007</i>
<i>Laid before the House of Commons</i>		<i>15th March 2007</i>
<i>Coming into force</i>	- -	<i>6th April 2007</i>

The Treasury, in exercise of the powers conferred on them by sections 120(3), 157 and 158(1) of the Government of Wales Act 2006(a), and after consulting the National Assembly for Wales(b), make the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Government of Wales Act 2006 (Designation of Receipts) Order 2007 and shall come into force on 6th April 2007.

(2) In this Order—

“the Act” means the Government of Wales Act 2006; and

“the NHS Act” means the National Health Service (Wales) Act 2006(c).

Designated receipts

2.—(1) Receipts of any description specified in paragraph (2), so far as they are received by or on behalf of the persons or bodies specified in relation to these receipts, shall be designated receipts for the purposes of section 120(3) to (6) of the Act.

(2) The specified descriptions of receipts are—

(a) interest received by the Welsh Ministers or by the National Assembly for Wales Commission, other than interest on—

(a) 2006 c. 32; section 157(1) provides that any power of a Minister of the Crown under the Act to make an order is exercisable by statutory instrument, and section 158(1) provides that “Minister of the Crown” includes the Treasury. This Order is of UK extent but applies generally only in relation to Wales as it relates to the finances of the GOWA 1998 Assembly, the National Assembly for Wales Commission and the Welsh Ministers.

(b) Paragraph 56 of Schedule 11 provides that until the end of the initial period (as defined in section 161(5)) section 120 has effect as if the requirement for the Treasury to consult the Welsh Ministers prior to making an order under section 120(3) were a requirement to consult the National Assembly for Wales constituted by the Government of Wales Act 1998.

(c) 2006 c. 42.

- (i) any loan made by the Welsh Ministers to an NHS Trust under paragraph 3 of schedule 4 to the NHS Act,
- (ii) outstanding sums issued in fulfilment of any guarantee given by the Welsh Ministers under paragraph 4 of schedule 4 to the NHS Act,
- (iii) any other payment made to an NHS Trust by the Welsh Ministers under paragraph 7 of schedule 4 to the NHS Act,
- (iv) sums received from or on behalf of any of the institutions of the European Union, and
- (v) any loan made under section 1 of the Welsh Development Agency Act 1975^(a),
- (b) repayments to the Welsh Ministers of loans made by the former Housing for Wales^(b), and
- (c) repayments to the Welsh Ministers of the outstanding principal amounts under a loan made by the Secretary of State for Wales to Dyfed County Council on 21 December 1979 in the sum of £4 million to be applied towards the reconstruction of the Cleddau bridge.

Transitional Provisions

3. Until the end of the initial period^(c) any reference to the Welsh Ministers or to the National Assembly for Wales Commission in this Order has effect as a reference to the National Assembly for Wales constituted by the Government of Wales Act 1998^(d).

Claire Ward
Frank Roy

14th March 2007

Two of the Lords Commissioners of Her Majesty's Treasury

(a) 1975 c.70.
 (b) Part II of the Housing Act 1988 c.50 established Housing for Wales to take over the responsibilities and powers in Wales of the Housing Corporation (an England, Wales and Scotland body established by the Housing Act 1964). The functions, property, rights and liabilities of Housing for Wales were transferred to the Secretary of State for Wales by the Government of Wales Act 1998, sections 140 to 143 and Schedule 16; and subsequently from the Secretary of State to the National Assembly for Wales by section 23(1) of that Act and the National Assembly for Wales (Transfer of functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. The Government of Wales Act 2006, sections 162 and paragraphs 30 and 39 of Schedule 11, transfers the functions, property, rights and liabilities of the National Assembly for Wales to the Welsh Ministers at the end of the initial period (see footnote (c)).
 (c) "the initial period" is defined in section 161(5) of the Act as the period beginning with the day of the poll at the 2007 Assembly election and ending with the day on which the first appointment of the First Minister is made under section 46.
 (d) 1998 c. 38

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the receipts of the Welsh Ministers and the National Assembly for Wales Commission that are to be designated receipts. Under the Government of Wales Act 2006 the Welsh Ministers must pay to the Secretary of State sums equal to the amount of the designated receipts. Section 120(6) of the Act provides that sums required for the Welsh Ministers to make payments under this Order are charged on the Welsh Consolidated Fund.

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