
STATUTORY INSTRUMENTS

2021 No. 290

The Government of Wales Act 2006 (Amendment) Order 2021

Amendment of paragraph 11 of Schedule 7B to the 2006 Act

6.—(1) Paragraph 11 (removal or modification of Minister of the Crown functions) of Schedule 7B to the 2006 Act is amended as follows.

(2) After sub-paragraph (2), insert—

“(2A) Where sub-paragraph (1)(a) does not apply by virtue of sub-paragraph (6) or (7), a provision of an Act of the Senedd cannot remove, or confer power by subordinate legislation to remove, any function unless the Welsh Ministers have consulted the appropriate Minister about the provision.”.

(3) After sub-paragraph (5), insert—

“(6) Sub-paragraph (1)(a) does not apply to a provision of an Act of the Senedd which removes, or confers power by subordinate legislation to remove, any function of a Minister of the Crown that is to any extent exercisable concurrently where that function—

- (a) exists to any extent by virtue of regulations made under sections 8 to 8C of the European Union (Withdrawal) Act 2018; or
- (b) is conferred by, or by regulations made under—
 - (i) the European Union (Withdrawal Agreement) Act 2020;
 - (ii) the Direct Payments to Farmers (Legislative Continuity) Act 2020;
 - (iii) the Coronavirus Act 2020;
 - (iv) the Agriculture Act 2020;
 - (v) the Fisheries Act 2020; or
 - (vi) an Act of Parliament resulting from the Trade Bill that was introduced into the House of Commons on 19th March 2020.

(7) Sub-paragraph (1)(a) does not apply to a provision of an Act of the Senedd which removes, or confers power by subordinate legislation to remove, any function of a Minister of the Crown, where that function concerns consent or agreement to, or consultation about, the exercise of a function that is to any extent exercisable concurrently with a Minister of the Crown and is conferred by, or by regulations made under—

- (a) the European Union (Withdrawal Agreement) Act 2020; or
- (b) the Fisheries Act 2020; or
- (c) an Act of Parliament resulting from the Trade Bill that was introduced into the House of Commons on 19th March 2020.

(8) Sub-paragraphs (6) and (7) do not have effect in relation to a function of a Minister of the Crown to regulate British fishing boats in the Welsh zone.

(9) In sub-paragraph (8), the reference to British fishing boats does not include Welsh fishing boats; and “British fishing boat” and “Welsh fishing boat” have the same meaning as in section 52 of the Fisheries Act 2020.”.