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## SCHEDULES

### SCHEDULE 6

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 3

#### OTHER AMENDMENTS

##### *National Audit Act 1983 (c. 44)*

- 33 (1) Section 6 of the National Audit Act 1983 (public departments etc) is amended as follows.
- (2) In subsection (3) omit paragraphs (aa) and (ab).
- (3) In subsection (3)(b) omit the words ““, Schedule 9 to the National Health Service (Wales) Act 2006””.
- (4) Omit subsection (3A).

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#### Commencement Information

**II** Sch. 6 para. 33 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 34 (1) Section 8 of that Act (right to obtain documents and information) is amended as follows.
- (2) In subsection (1) omit the words ““and except in relation to an examination under section 6 above in respect of the Welsh Ministers or the National Assembly for Wales Commission””.
- (3) Omit subsections (3), (4) and (5).

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#### Commencement Information

**I2** Sch. 6 para. 34 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 35 In section 9 of that Act (reports to House of Commons) omit subsection (2).

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#### Commencement Information

**I3** Sch. 6 para. 35 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

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*Road Traffic Regulation Act 1984 (c. 27)*

- 36 (1) Section 17 of the Road Traffic Regulation Act 1984 (traffic regulation on special roads) is amended as follows.
- (2) After subsection (3ZC) insert—
- “(3ZCA) In relation to special roads in Wales, that power of the Secretary of State is exercisable only after consultation with the Welsh Ministers.”
- (3) After subsection (3A) insert—
- “(3B) Before making regulations under subsection (2), the Welsh Ministers must consult the National Park authority for any National Park that would be affected by the regulations.”

**Commencement Information**

**I4** Sch. 6 para. 36 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 37 (1) Section 65 of that Act (powers of traffic authorities as to placing of traffic signs) is amended as follows.
- (2) For ““national authority””, in each place, substitute “ relevant authority ”.
- (3) In subsection (3), after ““Secretary of State”” insert “ or the Welsh Ministers ”.
- (4) In subsection (3ZB), after ““with”” insert “ the Welsh Ministers and ”.
- (5) In subsection (3ZC), for the words from ““giving”” to ““Ministers”” substitute “ the Welsh Ministers or the Scottish Ministers give a general direction under subsection (1) they ”.
- (6) After subsection (4) insert—
- “(5) In this section ““relevant authority”” means—
- (a) in relation to a function so far as exercisable within devolved competence, within the meaning of the Scotland Act 1998, means the Scottish Ministers;
- (b) in relation to a function so far as exercisable within devolved competence, within the meaning given by section 58A(7) and (8) of the Government of Wales Act 2006, means the Welsh Ministers;
- (c) otherwise, means the Secretary of State.”

**Commencement Information**

**I5** Sch. 6 para. 37 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 38 In section 72 of that Act (powers exercisable by parish or community councils), in subsection (4), after ““by the highway authority”” insert “ , the Welsh Ministers ”.

**Commencement Information**

**I6** Sch. 6 para. 38 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

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- 39 (1) Section 81 of that Act (general speed limit for restricted roads) is amended as follows.
- (2) In subsection (3), after paragraph (a) insert—
- “(aa) if made by the Welsh Ministers, is to be made by statutory instrument and approved by a resolution of the National Assembly for Wales;”.
- (3) In subsection (4), after ““with”” insert “ the Welsh Ministers and ”.
- (4) In subsection (5), for the words from ““making”” to ““Ministers”” substitute “ the Welsh Ministers or the Scottish Ministers make an order under subsection (2) they ”.

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**Commencement Information**

**I7** Sch. 6 para. 39 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 40 In section 83 of that Act (provisions as to directions under section 82(2)), after subsection (3) insert—
- “(4) The power of the Welsh Ministers to make an order under subsection (1) is exercisable by statutory instrument.”

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**Commencement Information**

**I8** Sch. 6 para. 40 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 41 (1) Section 85 of that Act (traffic signs for indicating speed restrictions) is amended as follows.
- (2) After subsection (7) insert—
- “(7A) The power of the Welsh Ministers to give general directions under subsection (2) is exercisable by statutory instrument.”
- (3) In subsection (9), after ““with”” insert “ the Welsh Ministers and ”.
- (4) In subsection (10), for the words from ““giving”” to ““Ministers”” substitute “ the Welsh Ministers or the Scottish Ministers give any general directions under subsection (2) they ”.

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**Commencement Information**

**I9** Sch. 6 para. 41 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 42 (1) Section 88 of that Act (temporary speed limits) is amended as follows.
- (2) After subsection (8) insert—
- “(8A) The first order to be made under subsection (1)(b) by the Welsh Ministers is not to be made until a draft of the order has been laid before and approved by a resolution of the National Assembly for Wales.”
- (3) After subsection (11) insert—
- “(11A) The power of the Welsh Ministers to make an order under subsection (4) is exercisable by statutory instrument.

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(11B) A statutory instrument containing an order made by the Welsh Ministers under subsection (4) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

**Commencement Information**

**I10** Sch. 6 para. 42 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 43 (1) Section 134 of that Act (regulations) is amended as follows.
- (2) After subsection (3A) insert—
- “(3B) Before making regulations under section 25 or 64 the Secretary of State must consult with the Welsh Ministers.”
- (3) After subsection (8) insert—
- “(9) Any power conferred by this Act on the Welsh Ministers to make regulations is exercisable by statutory instrument.
- (10) Before making regulations under a provision of this Act (except sections 103(1), 108 to 110, Schedule 4, Schedule 8 and Schedule 12), the Welsh Ministers must consult with such representative organisations as they think fit.
- (11) A statutory instrument containing regulations made by the Welsh Ministers under this Act (except section 86) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (12) Regulations made by the Welsh Ministers under section 86 do not have effect unless approved by a resolution of the National Assembly for Wales.
- (13) Before making regulations under section 25 or 64 the Welsh Ministers must consult with the Secretary of State.”

**Commencement Information**

**I11** Sch. 6 para. 43 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Transport Act 1985 (c. 67)*

- 44 In section 134 of the Transport Act 1985 (regulations, rules and orders), after subsection (5) insert—
- “(6) Regulations made by the Welsh Ministers under any of the specified provisions may make different provision for different cases to which the regulations apply, and may in particular—
- (a) make different provision as respects different areas; and
- (b) make different provision as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances.
- (7) The ““specified provisions”” are—
- (a) section 6(2), (3) and (9);

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- (b) section 6A(11);
- (c) section 6B(5) and (7);
- (d) section 7(6)(d), (9) and (11);
- (e) section 10(5)(c) and (8).

(8) An order made by the Welsh Ministers under section 13(1) may make different provision for different cases to which the order applies, and may in particular make different provision as respects different areas.”

**Commencement Information**

**I12** Sch. 6 para. 44 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

45 In section 135 of that Act (procedure for making regulations, rules and orders), after subsection (4) insert—

“(5) The power of the Welsh Ministers to make regulations or an order under any of the specified provisions (see subsection (8)) is exercisable by statutory instrument.

(6) A statutory instrument containing regulations or an order made by the Welsh Ministers under any of the specified provisions is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(7) The Welsh Ministers must consult such representative organisations as they think fit before making regulations under any of the specified provisions.

(8) The ““specified provisions”” are—

- (a) section 6(2), (3) and (9);
- (b) section 6A(11);
- (c) section 6B(5) and (7);
- (d) section 7(6)(d), (9) and (11);
- (e) section 10(5)(c) and (8);
- (f) section 13(1).”

**Commencement Information**

**I13** Sch. 6 para. 45 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Road Traffic Act 1988 (c. 52)*

46 In section 36 of the Road Traffic Act 1988 (offence of failing to comply with traffic sign)—

- (a) in subsections (1)(b) and (3)(a), for ““national authority”” substitute “relevant authority”;
- (b) in subsection (6), after ““with”” insert “ the Welsh Ministers and ”;
- (c) in subsection (7), for the words from ““making”” to ““Ministers”” substitute “ the Welsh Ministers or the Scottish Ministers make regulations under subsection (5) they ”;
- (d) in subsection (8)—

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- (i) for ““national authority”” substitute ““relevant authority””  
 ”;  
 (ii) for ““section 142(1)”” substitute “ section 64(6A) ”.

**Commencement Information**

**I14** Sch. 6 para. 46 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Electricity Act 1989 (c. 29)*

47 In section 36 of the Electricity Act 1989 (consents required for construction etc of generating stations), after subsection (8) insert—

“(8A) The Welsh Ministers may by regulations make provision about the grant of consents under section 36 in relation to generating stations in respect of which they are the appropriate authority, including in particular provision about—

- (a) the making and withdrawal of applications;
- (b) fees;
- (c) publicity and consultation requirements;
- (d) rights to make representations;
- (e) public inquiries;
- (f) consideration of applications.

(8B) The Welsh Ministers may by regulations make provision for applications in respect of which they are the appropriate authority to be determined by a person appointed by them for that purpose.”

**Commencement Information**

**I15** Sch. 6 para. 47 in force at 1.4.2019 by S.I. 2017/1179, reg. 5(b)

48 In section 36C of that Act (variation of consents under section 36), after subsection (5) insert—

“(5A) Regulations may provide that, where the Welsh Ministers are the appropriate authority, applications under this section are to be determined by a person appointed by the Welsh Ministers for that purpose.”

**Commencement Information**

**I16** Sch. 6 para. 48 in force at 1.4.2019 by S.I. 2017/1179, reg. 5(b)

49 In section 106 of that Act (regulations and orders)—

- (a) after subsection (1A) insert—

“(1B) Any power of the Welsh Ministers to make orders under section 36 or 36C or paragraph 1(4) of Schedule 9 is exercisable by statutory instrument.”;

- (b) after subsection (2) insert—

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“(2A) Any statutory instrument containing regulations or an order made by the Welsh Ministers under section 36 or 36C or paragraph 1(4) of Schedule 9 shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

**Commencement Information**

**I17** Sch. 6 para. 49 in force at 1.4.2019 by S.I. 2017/1179, reg. 5(b)

- 50 (1) Schedule 8 to that Act (consents under sections 36 and 37) is amended as follows.
- (2) In the heading, after ““consents”” insert “ of the Secretary of State and the Scottish Ministers ”.
- (3) In paragraph 8 (supplemental), after sub-paragraph (1) insert—
- “(1A) In this Schedule references to applications for consent shall not include applications to the Welsh Ministers.”

**Commencement Information**

**I18** Sch. 6 para. 50 in force at 1.4.2019 by S.I. 2017/1179, reg. 5(b)

- 51 In paragraph 1 of Schedule 9 to that Act (preservation of amenity and fisheries)—
- (a) in sub-paragraph (2)—
- (i) for ““his”” substitute “ its ”;
- (ii) for ““Secretary of State”” substitute “ appropriate authority ”;
- (b) in sub-paragraph (3), before “““building”””” insert—
- “““appropriate authority”” has the meaning given by section 36(10)(b) or (c) of this Act;”;
- (c) in sub-paragraph (4), for ““Secretary of State”” substitute “ appropriate authority ”.

**Commencement Information**

**I19** Sch. 6 para. 51 in force at 1.4.2019 by S.I. 2017/1179, reg. 5(b)

*Human Fertilisation and Embryology Act 1990 (c. 37)*

- 52 In section 45A of the Human Fertilisation and Embryology Act 1990 (power to make consequential provision), in subsection (4), for the words from ““a Measure”” to ““an Act of the Assembly”” substitute “ an Act of the Assembly ”.

**Commencement Information**

**I20** Sch. 6 para. 52 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

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*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 53 In Schedule 5 to the Judicial Pensions and Retirement Act 1993 (retirement provisions: the relevant offices), after the entry for the Senior President of Tribunals insert— “ President of Welsh Tribunals ”.

**Commencement Information**

- I21** [Sch. 6 para. 53](#) in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by [S.I. 2017/351](#), [reg. 2](#)

*Government of Wales Act 1998 (c. 38)*

- 54 In section 145 of the Government of Wales Act 1998 (examinations into use of resources) omit subsection (6).

**Commencement Information**

- I22** [Sch. 6 para. 54](#) in force at 1.4.2018 by [S.I. 2017/1179](#), [reg. 3\(r\)](#)

- 55 In Schedule 6 to that Act (Her Majesty's Chief Inspector of Education and Training in Wales) omit paragraph 9.

**Commencement Information**

- I23** [Sch. 6 para. 55](#) in force at 1.4.2018 by [S.I. 2017/1179](#), [reg. 3\(r\)](#)

*Care Standards Act 2000 (c. 14)*

- 56 In Schedule 2 to the Care Standards Act 2000 (the Children's Commissioner for Wales) omit paragraph 12.

**Commencement Information**

- I24** [Sch. 6 para. 56](#) in force at 1.4.2018 by [S.I. 2017/1179](#), [reg. 3\(r\)](#)

*Local Government Act 2000 (c. 22)*

- 57 In section 7 of the Local Government Act 2000 (power to modify enactments concerning plans etc: Wales), in subsection (9), for the words after ““For the purposes of subsection (8),”” substitute “ section 108A of the Government of Wales Act 2006 (legislative competence) has effect as if subsection (2)(c) of that section and paragraph 1 of Schedule 7B to that Act were omitted. ”

**Commencement Information**

- I25** [Sch. 6 para. 57](#) in force at 1.4.2018 by [S.I. 2017/1179](#), [reg. 3\(r\)](#)

- 58 In section 77 of that Act (adjudications) omit subsection (5).



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#### Commencement Information

**I26** Sch. 6 para. 58 in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by S.I. 2017/351, reg. 2

#### *Female Genital Mutilation Act 2003 (c. 31)*

- 59 (1) Section 5C of the Female Genital Mutilation Act 2003 (guidance) is amended as follows.
- (2) In subsection (4)(a), for ““a body exercising devolved Welsh functions”” substitute “ a devolved Welsh authority ”.
- (3) For subsection (5) substitute—
- “(5) In subsection (4)(a) ““devolved Welsh authority”” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”

#### Commencement Information

**I27** Sch. 6 para. 59 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

#### *Energy Act 2004 (c. 20)*

- 60 (1) Section 192 of the Energy Act 2004 (powers exercisable by statutory instrument) is amended as follows.
- (2) In subsection (1), after ““the Secretary of State”” insert “ , the Welsh Ministers ”.
- (3) In subsection (2)(a), after ““regulations”” insert “ made by the Secretary of State or the Treasury ”.
- (4) After subsection (2) insert—
- “(2A) Where —
- (a) this Act provides for an order or regulations made by the Welsh Ministers to be subject to the negative resolution procedure, and
- (b) a draft of the order or regulations has not been required, in accordance with this or any other enactment, to be laid before and approved by a resolution of the National Assembly for Wales,
- the statutory instrument containing the order or regulations shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- (5) In subsection (3), for ““the power”” substitute “ a power of the Secretary of State or the Treasury ”.
- (6) In subsection (4), after ““the Secretary of State”” insert “ , the Welsh Ministers ”.

#### Commencement Information

**I28** Sch. 6 para. 60 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

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- 61 In Schedule 16 to that Act (applications and proposals for notices under section 95), in paragraph 9(a), after ““the Secretary of State”” insert “ or the Welsh Ministers ”.

**Commencement Information**

**I29** Sch. 6 para. 61 in force at 1.4.2019 by S.I. 2017/1179, reg. 5(b)

*Constitutional Reform Act 2005 (c. 4)*

- 62 In section 109 of the Constitutional Reform Act 2005 (disciplinary powers: interpretation), in subsection (5), after paragraph (da) insert—  
 “(db) President of Welsh Tribunals;”.

**Commencement Information**

**I30** Sch. 6 para. 62 in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by S.I. 2017/351, reg. 2

*Public Services Ombudsman (Wales) Act 2005 (c. 10)*

- 63 In Schedule 1 to the Public Services Ombudsman (Wales) Act 2005 (appointment etc) omit paragraph 20.

**Commencement Information**

**I31** Sch. 6 para. 63 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Commissioners for Revenue and Customs Act 2005 (c. 11)*

- 64 In section 18 of the Commissioners for Revenue and Customs Act 2005 (confidentiality), in subsection (2)(j), for ““the Welsh Ministers”” substitute “ the Welsh Revenue Authority ”.

**Commencement Information**

**I32** Sch. 6 para. 64 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Commissioner for Older People (Wales) Act 2006 (c. 30)*

- 65 In Schedule 1 to the Commissioner for Older People (Wales) Act 2006 (the Commissioner) omit paragraph 14.

**Commencement Information**

**I33** Sch. 6 para. 65 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

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*Legislative and Regulatory Reform Act 2006 (c. 51)*

- 66 (1) Section 24 of the Legislative and Regulatory Reform Act 2006 (functions to which sections 21 and 22 apply) is amended as follows.
- (2) Omit the definition of ““Welsh regulatory function”” in subsection (10).
- (3) After that subsection insert—
- “(11) For the purposes of this section a regulatory function is a ““Welsh regulatory function”” if or to the extent that it is exercisable in relation to Wales and is a function which—
- (a) could be conferred by provision falling within the legislative competence of the National Assembly for Wales (see section 108A of the Government of Wales Act 2006), or
- (b) relates to matters in respect of which functions are exercisable by the Welsh Ministers.”

**Commencement Information**

**I34** Sch. 6 para. 66 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 67 In section 27 of that Act (power to make orders, rules and schemes), in subsection (6), for paragraph (c) substitute—
- “(c) so far as they are powers that—
- (i) could be conferred by provision falling within the legislative competence of the National Assembly for Wales, or
- (ii) are exercisable in relation to matters in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government,
- shall also be exercisable by the Welsh Ministers.”

**Commencement Information**

**I35** Sch. 6 para. 67 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Tribunals, Courts and Enforcement Act 2007 (c. 15)*

- 68 (1) Section 47 of the Tribunals, Courts and Enforcement Act 2007 (co-operation in relation to judicial training, guidance and welfare) is amended as follows.
- (2) In subsection (4)(a) and (b), after ““the Senior President of Tribunals”” insert “ or the President of Welsh Tribunals ”.
- (3) In subsection (5)(c)—
- (a) omit ““or”” at the end of sub-paragraph (iii);
- (b) at the end insert “, or
- (v) a judge, or other member, of a tribunal listed in section 59 of the Wales Act 2017 (the Welsh tribunals).”

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**Commencement Information**

**I36** Sch. 6 para. 68 in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by S.I. 2017/351, reg. 2

*Statistics and Registration Service Act 2007 (c. 18)*

69 In section 66 of the Statistics and Registration Service Act 2007 (devolved statistics), for subsection (3) substitute—

“(3) In this Part ““Welsh devolved statistics”” means statistics which relate to the exercise of functions by a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006), other than statistics produced by a person acting on behalf of—

- (a) the Crown, or
- (b) a public authority,

in the exercise of functions that could not be conferred by provision falling within the legislative competence of the National Assembly for Wales (see section 108A of that Act).”

**Commencement Information**

**I37** Sch. 6 para. 69 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Consumers, Estate Agents and Redress Act 2007 (c. 17)*

70 In section 37 of the Consumers, Estate Agents and Redress Act 2007 (extension of the functions of Citizens Advice etc), in subsection (5), for the words from ““a Measure”” to ““an Act of the Assembly)”” substitute “ an Act of the Assembly ”.

**Commencement Information**

**I38** Sch. 6 para. 70 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Regulatory Enforcement and Sanctions Act 2008 (c. 13)*

71 In section 74 of the Regulatory Enforcement and Sanctions Act 2008 (general interpretation), in paragraph (a) of the definition of ““devolved Welsh matter””, for ““section 108”” substitute “ section 108A ”.

**Commencement Information**

**I39** Sch. 6 para. 71 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Human Fertilisation and Embryology Act 2008 (c. 22)*

72 In section 64 of the Human Fertilisation and Embryology Act 2008 (power to make consequential and transitional provision etc), in subsection (6), for the words from

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““a Measure”” to ““an Act of the Assembly)”” substitute “ an Act of the Assembly ”.

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**Commencement Information**

**I40** Sch. 6 para. 72 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Climate Change Act 2008 (c. 27)*

73 In section 70 of the Climate Change Act 2008 (interpretation), in subsections (4)(b) and (6)(b), for ““relating to matters within”” substitute “ capable of being conferred by provision falling within ”.

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**Commencement Information**

**I41** Sch. 6 para. 73 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Planning Act 2008 (c. 29)*

74 In section 149A of the Planning Act 2008 (deemed consent under a marine licence), in subsection (3)(b), after ““the Secretary of State”” insert “ or the Welsh Ministers ”.

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**Commencement Information**

**I42** Sch. 6 para. 74 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

75 Omit section 202 of that Act (powers of National Assembly for Wales).

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**Commencement Information**

**I43** Sch. 6 para. 75 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

76 In Schedule 5 to that Act (provision relating to, or to matters ancillary to, development), in paragraphs 30A and 30B, after ““the Secretary of State”” insert “ or the Welsh Ministers ”.

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**Commencement Information**

**I44** Sch. 6 para. 76 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Marine and Coastal Access Act 2009 (c. 23)*

77 In section 12 of the Marine and Coastal Access Act 2009 (certain consents under section 36 of the Electricity Act 1989), in subsection (3)—

- (a) in paragraph (a) omit ““or””;
- (b) after paragraph (b) insert—
  - “(c) any area of the Welsh inshore region, or
  - (d) any area of the Welsh offshore region.”

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#### Commencement Information

**I45** Sch. 6 para. 77 in force at 1.4.2019 by S.I. 2017/1179, reg. 5(b)

- 78 In section 13 of that Act (safety zones: functions under section 95 of the Energy Act 2004), in subsection (3)—
- (a) in paragraph (a) omit ““or””;
  - (b) after paragraph (b) insert—
    - “(c) any area of the Welsh inshore region, or
    - (d) any area of the Welsh offshore region.”

#### Commencement Information

**I46** Sch. 6 para. 78 in force at 1.4.2019 by S.I. 2017/1179, reg. 5(b)

- 79 In section 60 of that Act (meaning of ““retained functions”” etc), in subsection (4), in paragraph (c) of the definition of ““secondary devolved Welsh functions””, for ““relating to matters within”” substitute “ they are capable of being conferred by provision falling within ”.

#### Commencement Information

**I47** Sch. 6 para. 79 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 80 (1) Section 78 of that Act (special procedure for applications relating to harbour works) is amended as follows.
- (2) In subsection (5), after ““subsection (6)(c) or (d)”” insert “ or (6A)(b) ”.
  - (3) In subsection (6), at the beginning insert “ Subject to subsection (6B), ”.
  - (4) After that subsection insert—
    - “(6A) The Welsh Ministers may by regulations—
      - (a) make provision falling within subsection (7) for cases where—
        - (i) the Welsh Ministers are both the marine licence authority and the harbour order authority, and
        - (ii) they have decided that the two applications are to be considered together and have given notice of that decision to the applicant;
      - (b) make provision falling within subsection (7) or (8) for cases where—
        - (i) the Welsh Ministers are both the marine licence authority and the harbour order authority, and
        - (ii) they have concluded that one of the applications is not going to be made.
  - (6B) The Secretary of State may not make provision under this section for cases where the Welsh Ministers are both the marine licence authority and the harbour order authority.”

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**Commencement Information**

**I48** Sch. 6 para. 80 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 81 (1) Section 79 of that Act (special procedure for applications relating to certain electricity works) is amended as follows.
- (2) In subsection (5), after ““subsection (6)(c) or (d)”” insert “ or (6A)(b) ”.
- (3) In subsection (6), at the beginning insert “ Subject to subsection (6B), ”.
- (4) After that subsection insert—
- “ (6A) The Welsh Ministers may by regulations—
- (a) make provision falling within subsection (7) for cases where—
- (i) the Welsh Ministers are both the marine licence authority and the generating station authority, and
- (ii) they have decided that the two applications are to be considered together and have given notice of that decision to the applicant;
- (b) make provision falling within subsection (7) or (8) for cases where—
- (i) the Welsh Ministers are both the marine licence authority and the generating station authority, and
- (ii) they have concluded that one of the applications is not going to be made.
- (6B) The Secretary of State may not make provision under this section for cases where the Welsh Ministers are both the marine licence authority and the generating station authority.”
- (5) In subsection (9), in the definition of ““generating station authority””, at the end insert—
- “ (c) the Welsh Ministers, in any case where the generating station application falls (or would fall) to be determined by the Welsh Ministers;”.

**Commencement Information**

**I49** Sch. 6 para. 81 in force at 1.4.2019 by S.I. 2017/1179, reg. 5(b)

*Welfare Reform Act 2009 (c. 24)*

- 82 In section 45 of the Welfare Reform Act 2009 (the appropriate authority by which regulations under section 41 are made), in subsection (2)(b), for the words from ““a Measure”” to ““an Act of the Assembly”” substitute “ an Act of the Assembly ”.

**Commencement Information**

**I50** Sch. 6 para. 82 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

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*Equality Act 2010 (c. 15)*

- 83 (1) Section 2 of the Equality Act 2010 (power to amend section 1) is amended as follows.
- (2) In subsection (6), for the words from ““an authority”” to ““correspond”” substitute “ a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006) whose functions correspond ”.
- (3) In subsection (11) omit paragraph (b).

**Commencement Information**

**I51** Sch. 6 para. 83 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 84 (1) Section 157 of that Act (interpretation) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) A relevant Welsh authority is a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006) other than the Assembly Commission.”
- (3) For subsection (5) substitute—
- “(5) A function is a devolved Welsh function if—
- (a) it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
- (b) provision conferring the function would be within the legislative competence of the National Assembly for Wales.”

**Commencement Information**

**I52** Sch. 6 para. 84 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Flood and Water Management Act 2010 (c. 29)*

- 85 In section 28 of the Flood and Water Management Act 2010 (power to make further amendments), in subsection (3), for paragraph (a) substitute—
- “(a) the Welsh Ministers, where the amendment—
- (i) relates to a matter in respect of which functions may be exercised by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
- (ii) would be within the legislative competence of the National Assembly for Wales if contained in an Act of the Assembly, and”.

**Commencement Information**

**I53** Sch. 6 para. 85 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)



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*Budget Responsibility and National Audit Act 2011 (c. 4)*

- 86 In Schedule 5 to the Budget Responsibility and National Audit Act 2011 (consequential amendments relating to Part 2) omit paragraphs 26 to 28.

**Commencement Information**

**I54** Sch. 6 para. 86 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 87 Omit Schedule 6 to that Act (amendments of Schedules 5 and 7 to the Government of Wales Act 2006).

**Commencement Information**

**I55** Sch. 6 para. 87 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Police Reform and Social Responsibility Act 2011 (c. 13)*

- 88 In Schedule 16 to the Police Reform and Social Responsibility Act 2011 (minor and consequential amendments) omit paragraph 353.

**Commencement Information**

**I56** Sch. 6 para. 88 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Localism Act 2011 (c. 20)*

- 89 In section 51 of the Localism Act 2011 (meaning of ““public authority”” and related terms), in subsection (6)(c), for ““section 108”” substitute “ section 108A ”.

**Commencement Information**

**I57** Sch. 6 para. 89 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 90 In section 61 of that Act (meaning of ““Welsh public authority”” and related terms), in subsection (4), for ““section 108”” substitute “ section 108A ”.

**Commencement Information**

**I58** Sch. 6 para. 90 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 91 In Schedule 13 to that Act (Infrastructure Planning Commission: transfer of functions to Secretary of State) omit paragraph 79.

**Commencement Information**

**I59** Sch. 6 para. 91 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

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*Welsh Language (Wales) Measure 2011 (nawm 1)*

- 92 In the Welsh Language (Wales) Measure 2011 omit section 124 (practice directions).

**Commencement Information**

**I60** Sch. 6 para. 92 in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by S.I. 2017/351, reg. 2

*Protection of Freedoms Act 2012 (c. 9)*

- 93 In Schedule 3 to the Protection of Freedoms Act 2012 (corresponding code of practice for Welsh devolved powers of entry), in paragraph 1(1), for the words after paragraph (a) substitute—

“(b) associated powers.

The code may only contain provision that would be within the legislative competence of the National Assembly for Wales if contained in an Act of the Assembly.”

**Commencement Information**

**I61** Sch. 6 para. 93 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*The Special Educational Needs Tribunal for Wales Regulations 2012 (S.I. 2012/ 322 (W.53))*

- 94 In the Special Educational Needs Tribunal for Wales Regulations 2012 omit regulation 28 (general powers).

**Commencement Information**

**I62** Sch. 6 para. 94 in force at 10.7.2017 or the first day on which regulations made under 2017 c. 4, Sch. 5 para. 7(1) come into force, whichever is the later by S.I. 2017/351, reg. 2

*Energy Act 2013 (c. 32)*

- 95 In Schedule 12 to the Energy Act 2013 (minor and consequential amendments) omit paragraph 90.

**Commencement Information**

**I63** Sch. 6 para. 95 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Public Audit (Wales) Act 2013 (anaw 3)*

- 96 In Schedule 4 to the Public Audit (Wales) Act 2013 (minor and consequential amendments) omit paragraph 78.

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**Commencement Information**

**I64** Sch. 6 para. 96 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*

97 In Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014 (minor and consequential amendments) omit paragraph 43.

**Commencement Information**

**I65** Sch. 6 para. 97 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Water Act 2014 (c. 21)*

98 In Schedule 7 to the Water Act 2014 (further amendments) omit paragraph 135.

**Commencement Information**

**I66** Sch. 6 para. 98 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Wales Act 2014 (c. 29)*

99 In section 6 of the Wales Act 2014 (taxation: introductory) omit subsections (3) and (7) to (9).

**Commencement Information**

**I67** Sch. 6 para. 99 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

100 In section 7 of that Act (amendments relating to the Commissioners for Revenue and Customs) omit subsection (14).

**Commencement Information**

**I68** Sch. 6 para. 100 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

101 Omit section 22 of that Act (budgetary procedures).

**Commencement Information**

**I69** Sch. 6 para. 101 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Counter-Terrorism and Security Act 2015 (c. 6)*

102 In section 29 of the Counter-Terrorism and Security Act 2015 (power to issue guidance), in subsection (4)(a), for ““a Welsh authority”” substitute “ a devolved Welsh authority ”.

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**Commencement Information**

**I70** Sch. 6 para. 102 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 103 In section 30 of that Act (power to give directions: general), in subsection (3), for ““a Welsh authority”” substitute “ a devolved Welsh authority ”.

**Commencement Information**

**I71** Sch. 6 para. 103 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 104 (1) Section 35 of that Act (Chapter 1: interpretation) is amended as follows.
- (2) For subsection (4) substitute—
- “(4) Devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”
- (3) For subsection (5) substitute—
- “(5) A function is a ““devolved Welsh function”” if—
- (a) it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
- (b) provision conferring the function would be within the legislative competence of the National Assembly for Wales.”

**Commencement Information**

**I72** Sch. 6 para. 104 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Deregulation Act 2015 (c. 20)*

- 105 (1) Section 109 of the Deregulation Act 2015 (functions to which section 108 of that Act applies) is amended as follows.
- (2) In subsection (3)(c), for ““relates to matters which are devolved Welsh matters”” substitute “ could be conferred by provision falling within the legislative competence of the National Assembly for Wales ”.
- (3) In subsection (6) omit the definition of ““devolved Welsh matter””.

**Commencement Information**

**I73** Sch. 6 para. 105 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Small Business, Enterprise and Employment Act 2015 (c. 26)*

- 106 In section 18 of the Small Business, Enterprise and Employment Act 2015 (power to specify regulatory functions), in subsection (5)(c), for ““section 108”” substitute “ section 108A ”.

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**Commencement Information**

**I74** Sch. 6 para. 106 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

<sup>F1</sup>107 .....

**Textual Amendments**

**F1** Sch. 6 para. 107 omitted (29.8.2023) by virtue of Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 18(5)(b), 22(2)

- 108 In section 39 of that Act (regulations about procurement), in subsection (4)—
- (a) after ““if”” insert “ it is a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006) or if”;
  - (b) in paragraph (b) omit ““or””;
  - (c) omit paragraph (c).

**Commencement Information**

**I75** Sch. 6 para. 108 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 109 (1) Section 153C of that Act (power to relax restriction on public sector exit payments) is amended as follows.
- (2) In subsections (5)(b), (8)(a) and (8)(b), for ““relevant Welsh authority”” substitute “ devolved Welsh authority ”.
- (3) In subsection (9), for the definition of ““relevant Welsh authority”” substitute—
- ““devolved Welsh authority”” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”

**Commencement Information**

**I76** Sch. 6 para. 109 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

- 110 In section 157 of that Act (power of Secretary of State to waive repayment requirement), in subsection (6)(b), for the words after ““responsible authorities who”” substitute “ are devolved Welsh authorities within the meaning given by section 157A of the Government of Wales Act 2006 ”.

**Commencement Information**

**I77** Sch. 6 para. 110 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Housing and Planning Act 2016 (c. 22)*

- 111 (1) Section 207 of the Housing and Planning Act 2016 (engagement with public authorities in relation to proposals to dispose of land) is amended as follows.
- (2) In subsection (6)—

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- (a) omit ““or”” at the end of paragraph (a);
- (b) omit paragraph (b).

(3) After that subsection insert—

“(6A) Regulations under subsection (3) may not be made so to require a devolved Welsh authority to carry out engagement under subsection (2).”

(4) In subsection (7), at the end insert—

““devolved Welsh authority”” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”

**Commencement Information**

**I78** Sch. 6 para. 111 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

112 (1) Section 208 of that Act (duty of public authorities to prepare report of surplus land holdings) is amended as follows.

(2) For subsection (10) substitute—

“(10) Regulations may not specify a devolved Welsh authority for the purposes of subsection (1).”

(3) In subsection (12), at the end insert—

““devolved Welsh authority”” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”

**Commencement Information**

**I79** Sch. 6 para. 112 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

*Immigration Act 2016 (c. 19)*

113 In section 78 of the Immigration Act 2016 (meaning of ““public authority””), in subsection (5), for ““functions relate to a matter which is outside”” substitute “functions are functions that could not be conferred by provision falling within ”.

**Commencement Information**

**I80** Sch. 6 para. 113 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(r)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) transitional and savings provisions for commencing S.I. 2017/1179 by [S.I. 2018/278](#) [reg. 2](#)[Sch.](#)