



Wales Act 1978

CHAPTER 52

LONDON

HER MAJESTY'S STATIONERY OFFICE

WALES ACT 1978

(1978 c. 52)

CORRECTIONS

Page 76, Schedule 11, paragraph 26, line 1, "section 61(1)(b)"
should read "section 6(1)(b)"

Page 76, Schedule 11, paragraph 26, line 2, "or those" should read
"or whose"

February 1979

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Wales Act 1978

CHAPTER 52

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ELIZABETH II



Wales Act 1978

1978 CHAPTER 52

An Act to provide for changes in the government of Wales
and in the constitution and functions of certain public
bodies. [31st July 1978]

BE IT ENACTED by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament
assembled, and by the authority of the same, as follows:—

PART I

THE WELSH ASSEMBLY

Establishment and membership

1.—(1) There shall be a Welsh Assembly.

The Welsh
Assembly.

(2) The initial members of the Assembly shall be returned
for the areas which, at the time of their election, are constituencies
for parliamentary elections in Wales, and there shall be—

(a) three initial members for each of those areas of which
the electorate is more than 125 per cent. of the electoral
quota ; and

(b) two initial members for each of the others.

(3) The members of the Assembly other than the initial
members shall be returned for the Assembly constituencies for
the time being specified in an Order in Council under Schedule 1
to this Act, and there shall be one member for each such
constituency.

PART I

(4) The Assembly shall be a body corporate.

(5) In this section and Part III of Schedule 1 to this Act "initial members" means members elected before an election to which an Order in Council under Part I of that Schedule applies, and "electorate" and "electoral quota" have the meanings assigned to them by paragraph 14 of that Schedule.

Time of election and term of office of members.

2.—(1) The first ordinary election of members of the Assembly shall be held on a day appointed by order of the Secretary of State and, subject to subsection (2) below, any subsequent ordinary election shall be held on the third Thursday in March in the fourth year following that in which the previous ordinary election was held.

(2) The Secretary of State may, by order made with respect to the second or any subsequent ordinary election of members of the Assembly, appoint as the day for the holding of the election a day not more than two months earlier nor more than two months later than the day on which the election would be held apart from the order.

(3) The term of office of any member of the Assembly, whether elected at an ordinary election or elected to fill a casual vacancy, shall begin on the day on which he is elected and end on the eve of the ordinary election next following that day.

(4) No order under this section shall be made unless a draft of it has been laid before, and approved by resolution of, each House of Parliament.

Elections.

3.—(1) The persons entitled to vote as electors at an Assembly election in any Assembly constituency shall be—

(a) those who, at the date of the election,

(i) have their names on such parts of the register of parliamentary electors as relate to the Assembly constituency; and

(ii) would be entitled to vote as electors at a parliamentary election in the parliamentary constituency comprising the Assembly constituency; and

(b) peers who, at that date,

(i) have their names on such parts of the register of local government electors as relate to the Assembly constituency; and

(ii) would be entitled to vote at a local government election in an electoral area comprised in or wholly or partly coinciding with the Assembly constituency.

(2) Subsection (1) above applies with the necessary modifications to the election of initial members (within the meaning of section 1 above).

- (3) The Secretary of State may by order make provision—
- (a) as to the conduct of elections of members of the Assembly (including the registration of electors); and
 - (b) as to the questioning of such an election and the consequences of irregularities.

- (4) An order under this section may—
- (a) apply, with such modifications or exceptions as may be specified in it, any provision of the Representation of the People Acts, any provision of the enactments relating to returning officers, and any provision made under any enactment; and
 - (b) so far as may be necessary in consequence of any provision made by it for the registration of electors, amend any provision made by or under the Representation of the People Acts as to the registration of parliamentary electors or local government electors.

(5) An order under this section may provide for the charging of any sum on the Welsh Consolidated Fund.

(6) No election of a member of the Assembly shall be questioned except under the provisions of Part III of the Representation of the People Act 1949 as applied by an order under this section. 1949 c. 68.

(7) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

4.—(1) Subject to subsection (4) below, where the seat of a member of the Assembly is vacant an election shall be held to fill the vacancy. By-elections.

(2) The date of the election shall be fixed by the presiding officer of the Assembly in accordance with subsection (3) below.

(3) The date of the election shall be not later than three months after the occurrence of the vacancy, except that if the vacancy does not come to the notice of the presiding officer within one month of its occurrence the date of the election shall be not later than three months after the vacancy comes to his notice.

(4) The election shall not be held if the latest date for holding it would fall within the three months preceding the next ordinary election of members of the Assembly.

PART I

(5) For the purposes of this section a vacancy shall be deemed to have occurred on such date as may be determined under the standing orders of the Assembly, and references in this section to the presiding officer include references to any person for the time being performing the functions of presiding officer.

Disquali-
fication for
membership.
1975 c. 24.

5.—(1) Subject to section 6 below, a person is disqualified for membership of the Assembly if—

- (a) he is disqualified for membership of the House of Commons under paragraphs (a) to (e) of section 1(1) of the House of Commons Disqualification Act 1975 ; or
- (b) he is disqualified otherwise than under that Act for membership of that House or for sitting and voting in it ; or
- (c) he is a Lord of Appeal in Ordinary ; or
- (d) he holds any of the offices for the time being designated by Order in Council as offices disqualifying for membership of the Assembly ; or
- (e) he is a member of the House of Commons ; or
- (f) he has been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine and a period of less than five years has elapsed since the date of that conviction.

(2) A person who holds office as lord-lieutenant, lieutenant or high sheriff of a county in Wales is disqualified for membership of the Assembly for any Assembly constituency comprising the whole or part of that county.

(3) For the purposes of subsection (1)(f) above the ordinary date on which the period allowed for appealing against the conviction expires or, if an appeal against the conviction is made, the date on which the appeal is finally disposed of or abandoned, shall be deemed to be the date of the conviction.

(4) Subsection (2) above applies with the necessary modification to membership of the Assembly before an election to which an Order in Council under Part I of Schedule 1 to this Act applies.

(5) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft of the Order has been laid before and approved by a resolution of each House of Parliament, but this does not apply to an

Order varying or revoking a previous Order if the Assembly has resolved that the Secretary of State be requested to recommend the making of the Order. PART I

6.—(1) A person is not disqualified for membership of the Assembly by reason only— Exceptions and power to grant relief from disqualification.

(a) that he is a peer, whether of the United Kingdom, Great Britain, England, Scotland or Ireland ; or

(b) that he has been ordained or is a minister of any religious denomination.

(2) Where a person was, or is alleged to have been, disqualified for membership of the Assembly, either generally or for any Assembly constituency, on any ground other than one falling within section 5(1)(b) or (f) of this Act and it appears to the Assembly—

- (a) that that ground has been removed ; and
- (b) that it is proper to do so ;

it may resolve that any disqualification incurred by that person on that ground shall be disregarded.

(3) A resolution under subsection (2) above shall not affect any proceedings under Part III of the Representation of the People Act 1949 as applied by an order under section 3 above or enable the Assembly to disregard any disqualification which has been established in such proceedings or in proceedings under section 8 below. 1949 c. 68.

7.—(1) Subject to any resolution of the Assembly under section 6 above,— Effect of disqualification.

- (a) if a person disqualified for membership of the Assembly, or for membership for a particular Assembly constituency, is elected as a member of the Assembly or, as the case may be, as a member for that constituency, his election shall be void ; and
- (b) if a member of the Assembly becomes disqualified for membership of the Assembly or for membership for the Assembly constituency for which he is sitting, his seat shall be vacated.

(2) Subsection (1) above applies with the necessary modifications to membership of the Assembly before an election to which an Order in Council under Part I of Schedule 1 to this Act applies.

(3) The validity of any proceedings of the Assembly shall not be affected by the disqualification of any person for membership of the Assembly or for membership for any Assembly constituency.

PART I
Judicial
proceedings
as to dis-
qualification.

8.—(1) Any person who claims that a person purporting to be a member of the Assembly is disqualified or has been disqualified at any time since his election may apply to the High Court for a declaration to that effect, and the decision of the court on the application shall be final.

(2) On an application under this section the person in respect of whom the application is made shall be the respondent; and the applicant shall give such security for the costs of the proceedings, not exceeding £200, as the court may direct.

(3) An application under this section in respect of any person may be made whether the grounds on which it is made are alleged to have subsisted at the time of his election or to have arisen subsequently; but no declaration shall be made under this section in respect of any person—

(a) on grounds which subsisted at the time of his election, if an election petition is pending or has been tried in which his disqualification on those grounds is or was in issue; or

(b) on any ground, if a resolution under section 6 above requires that the ground shall be disregarded.

(4) In this section “disqualified” means disqualified for membership of the Assembly or for any Assembly constituency.

Principal functions

Existing
statutory
functions.

9.—(1) The Assembly shall exercise as regards Wales the functions given to Ministers of the Crown by or under the enactments specified in the first column of Schedule 2 to this Act, with the exception of the functions specified in the second column.

(2) Any function given to a Minister of the Crown by or under an enactment listed in Schedule 3 to this Act shall continue to be exercisable by him as regards Wales notwithstanding that it is exercisable by the Assembly by virtue of subsection (1) above.

Cultural and
recreative
activities.

10. The Assembly may do anything it considers appropriate to support museums, art galleries, libraries, the Welsh language, the arts, crafts, sport and other cultural and recreative activities.

Other non-
statutory
powers.

11. The Assembly may—

(a) make arrangements for the provision in Wales of services for the war disabled, and

(b) make grants towards the carrying on of public passenger transport undertakings in Wales.

12. The Assembly shall review the structure of local government in Wales and shall report its conclusions to the Secretary of State.

PART I
Review
of local
government
structure.

13.—(1) The Assembly shall exercise such functions given to Ministers of the Crown by or under local Acts as the Secretary of State may by order specify.

Powers under
local Acts.

(2) An order under this section may contain such consequential, incidental and supplementary provisions (including provisions for the exercise of the powers with the concurrence or subject to the consent or approval of, or after consultation with, a Minister of the Crown) as appear to the Secretary of State to be necessary or expedient.

(3) A statutory instrument under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Conduct of business

14. The first meeting of the Assembly shall be held on such day and at such time and place as the Secretary of State may direct.

First meeting.

15.—(1) The procedure of the Assembly shall be regulated by standing orders of the Assembly; but the Secretary of State may give directions for regulating its procedure pending the making of standing orders.

Standing
orders.

(2) The standing orders shall include provision for the election of a presiding officer from among the members of the Assembly and for his tenure of office.

(3) The standing orders shall include provision for preserving order in the proceedings of the Assembly, and any standing order made by virtue of this subsection may include provision for excluding a member from such proceedings.

(4) The standing orders shall include provision for the publication of a report of the proceedings of the full Assembly as soon as practicable after the day on which they take place.

(5) The standing orders shall include provision as to the circumstances in which the public may be admitted to meetings of the Assembly and of its committees.

16.—(1) The standing orders of the Assembly shall include provision for securing that members with pecuniary interests, as defined by the standing orders, or such other interests (if any)

Members'
interests.

PART I

as may be specified in the standing orders in any matter disclose them before taking part in any proceedings dealing with that matter, and may include provision for preventing or restricting participation of such members in such proceedings.

(2) Standing orders made in pursuance of subsection (1) above may include provision for excluding members contravening them from the proceedings of the Assembly.

(3) If a member of the Assembly takes part in any proceedings of the Assembly in contravention of any provision made in pursuance of this section he shall be liable on summary conviction to a fine not exceeding £500.

(4) A prosecution for an offence under this section shall not be instituted except by or with the consent of the Director of Public Prosecutions.

Subject committees.

17.—(1) Without prejudice to its powers to appoint other committees, the Assembly shall appoint committees in accordance with the following provisions of this section with functions relating to all the areas of government with which the Assembly is concerned.

(2) Subject to the provisions of this Act,—

(a) the Assembly may charge any of its committees appointed under this section with the exercise, to such extent as the Assembly may determine, of any of its powers, but shall not thereby be prevented from exercising those powers itself ; and

(b) where any committee appointed under this section is charged with the exercise of any powers it may arrange for all or any of them to be exercised by the leader of the committee or by a sub-committee, but shall not thereby be prevented from exercising them itself.

(3) Subject to section 18 below, a committee appointed under this section shall consist of such number of members of the Assembly as the Assembly may determine ; and the Assembly shall name one of the members of each such committee as its chairman and another as leader of the committee, and the leader of a committee shall be known as its executive member.

The Executive Committee.

18.—(1) One of the committees appointed under section 17 above shall be known as the Executive Committee and shall consist of the leaders of the other committees so appointed and no greater number of other members of the Assembly than one-third of the number of those leaders ; and the person named by the Assembly as chairman of the Executive Committee shall also be its leader.

(2) Except where the context otherwise requires, references in this Act to the Executive Committee include references to its leader acting on the authority of the Executive Committee.

PART I

19. The standing orders of the Assembly shall include provision requiring the recommendation of the Executive Committee for the exercise of any power conferred by Act of Parliament and exercisable by the Assembly to make a general instrument involving the payment of any sum out of the Welsh Consolidated Fund or the Welsh Loans Fund. Financial initiative.

20.—(1) Subject to subsection (3) below, the Assembly shall not charge a committee with the exercise of a power to which subsection (2) below applies. Exercise of certain powers of subordinate legislation.

(2) This subsection applies to any power exercisable by the Assembly by virtue of section 9 above to make, confirm or approve orders, rules, regulations or other subordinate legislation if (disregarding section 75 below) the power is subject to a provision—

- (a) for the annulment or approval by or in pursuance of a resolution of either or both Houses of Parliament of any instrument made in the exercise of the power, or a draft of any such instrument, or
- (b) prohibiting the making of such an instrument without that approval, or
- (c) for any such instrument to be a provisional order, that is to say an order which requires to be confirmed by Act of Parliament, or
- (d) requiring any order (within the meaning of the Statutory Orders (Special Procedure) Act 1945) to be subject to special parliamentary procedure. 1945 c. 18 (9 & 10 Geo. 6).

(3) In such cases of urgency as may be specified for the purposes of this section by the standing orders of the Assembly, a committee may be charged with the exercise of a power to which subsection (2) above applies by virtue of paragraph (a) or (b) of that subsection ; but in such cases a committee shall not arrange for the exercise of the power by the leader of the committee or by a sub-committee.

21.—(1) The Assembly shall appoint a committee to consider instruments of a general character made or proposed to be made by the Assembly under powers conferred by an Act of Parliament, with a view to determining whether the special attention of the Assembly should be drawn to the instrument or proposed Scrutiny of subordinate legislation.

PART I instrument on such grounds as may be specified in the standing orders ; and those grounds shall include the following—

- (a) that the instrument purports to impose a charge without due authority ;
- (b) that it purports to have retrospective effect when no express power is conferred to give it retrospective effect ; and
- (c) that there appears to be a doubt whether it is within the powers under which it purports to be made or that it appears to make some unusual or unexpected use of those powers.

(2) The Assembly may confer on the committee appointed under this section such other functions as the Assembly may determine.

(3) The committee appointed under this section shall not include any member of the Executive Committee.

Party balance in committees. **22.** In naming persons to be members of a committee appointed under section 17, 21 or 53 of this Act, other than the Executive Committee, the Assembly shall secure that the balance of parties in the Assembly is, so far as practicable, reflected in the membership of the committee.

Defamation. **23.—**(1) For the purposes of the law of defamation in any part of the United Kingdom—

- (a) any statement (whether oral or written) made in proceedings of the Assembly, and
- (b) the publication under the authority of the Assembly of any document,

shall be absolutely privileged.

(2) Where the publication of a document is privileged by virtue of subsection (1)(b) above, the publication of any abstract from or summary of it which is fair and accurate is also privileged, unless the publication is proved to be made with malice.

Ancillary powers

Staff. **24.** The Assembly may appoint such officers and servants as it considers appropriate.

Inquiries. **25.—**(1) The Assembly may cause an inquiry to be held into any matter relevant to the performance of any of its functions.

1972 c. 70. (2) Subsections (2) to (5) of section 250 of the Local Government Act 1972 shall apply in relation to such an inquiry as if it were a local inquiry held under that section and the Assembly were the Minister causing it to be held.

26. Where it considers it expedient for the promotion or protection of the public interest, the Assembly may institute in its own name, or appear in, any civil proceedings relating to matters with respect to which the powers of the Assembly are exercisable.

PART I

Civil proceedings.

27. Subject to the provisions of this Act, the Assembly may do anything (whether or not involving the acquisition or disposal of property) which is calculated to facilitate, or is conducive or incidental to, the discharge of its functions.

Supplementary powers.

International affairs

28. The Assembly shall not in the exercise of its functions conduct relations with any country outside the United Kingdom.

International relations.

29. If it appears to a Minister of the Crown—

International obligations.

(a) that the implementation of a Community obligation or any other international obligation of the United Kingdom requires the exercise of any power to make a subordinate instrument, and

(b) that it is desirable that the power should be exercised by him,

he may exercise the power notwithstanding that it is exercisable by the Assembly by virtue of section 9 above.

Further provisions as to members

30.—(1) A member of the Assembly shall, as soon as may be after his election, and at a meeting of the Assembly, take the oath of allegiance set out in section 2 of the Promissory Oaths Act 1868 or make the corresponding affirmation and shall not, until he has done so, take part in any other proceedings of the Assembly.

Oath of allegiance. 1868 c. 72.

(2) If a member has not taken the oath or made the affirmation required by this section within two months of his election, or such longer period as the Assembly may have allowed before the expiration of the second month, he shall cease to be a member at the expiration of that month or longer period.

31. A member of the Assembly may at any time resign his seat by giving notice in writing to the presiding officer or to any person authorised by the standing orders of the Assembly to receive the notice.

Resignation.

32.—(1) There shall be paid to members of the Assembly such salaries and allowances as the Assembly may from time to time determine or, pending the first determination, as the Secretary of State may direct.

Remuneration.

PART I

(2) The Assembly may make provision for the payment of pensions, gratuities or allowances to or in respect of persons who have ceased to be members.

(3) Different provision may be made under this section for different cases.

(4) Without prejudice to the period for which any salaries or allowances are payable under this section, no payment shall be made under this section to or in respect of a person required by section 30 above to take an oath or make an affirmation unless he has done so.

(5) Payments under this section shall be made out of the Welsh Consolidated Fund.

Jury service.
1974 c. 23.

33.—(1) In Part III of Schedule 1 to the Juries Act 1974 (excusal of certain persons from jury service) after the entries under the heading “Parliament” there shall be inserted—

“*Welsh Assembly*
Member of the Welsh Assembly.”

(2) A member of the Assembly shall not be liable to serve on any jury in Scotland.

PART II

RELATIONS WITH UNITED KINGDOM AUTHORITIES

Supplementary and reserve powers

Power of
Secretary of
State to
prevent or
require action.

34.—(1) If it appears to the Secretary of State—

(a) that any action proposed to be taken by the Assembly would or might affect a reserved matter, whether directly or indirectly, or

(b) that any action capable of being so taken is not proposed to be taken and that failure to take it would or might affect a reserved matter, whether directly or indirectly ;

then, if it appears to him desirable in the public interest to use his powers under this subsection, he may direct that the proposed action shall not be taken or, as the case may be, that the action capable of being taken shall be taken.

(2) If it appears to the Secretary of State—

(a) that any action proposed to be taken by the Assembly would be incompatible with Community obligations or any other international obligations of the United Kingdom, or

- (b) that any action capable of being so taken is required for the purpose of implementing any Community obligation or any other international obligation of the United Kingdom,

PART II

he may direct that the proposed action shall not be taken or, as the case may be, that the action capable of being taken shall be taken.

(3) For the purposes of this section a reserved matter is one—

- (a) which concerns Wales (whether or not it also concerns any other part of the United Kingdom); but
(b) with respect to which the Assembly has no power to act.

(4) A direction under this section may be varied or revoked by a further direction; and any such direction shall be taken to be given as soon as it is communicated to a member of the Executive Committee.

(5) A direction under this section shall be binding on the Assembly.

(6) A direction under subsection (1) above shall cease to have effect at the expiration of a period of twenty-eight days beginning with the day on which it is given unless before the end of that period a resolution approving it is passed by each House of Parliament; and if at any time before the end of that period either House rejects a motion approving the direction, the direction shall cease to have effect at that time.

35.—(1) If it appears to the Secretary of State—

- (a) that an instrument made by the Assembly under any Act of Parliament affects a reserved matter, whether directly or indirectly, and
(b) that the public interest makes it desirable that he should use his powers under this subsection,

Power of Secretary of State to revoke subordinate instruments.

he may by order revoke the instrument.

(2) If it appears to the Secretary of State that an instrument made by the Assembly under any Act of Parliament is incompatible with Community obligations or any other international obligations of the United Kingdom or provides for any matter which is or ought to be provided for in an instrument made by the Secretary of State and implementing such an obligation, he may by order revoke the instrument.

(3) For the purposes of this section a reserved matter is one which is a reserved matter for the purposes of section 34 above.

(4) An order under this section may contain such consequential provisions as appear to the Secretary of State to be necessary or expedient.

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(5) An order under subsection (1) above revoking an instrument shall not be made unless either—

(a) a draft of the order has, within the period of twenty-eight days beginning with the day on which the instrument was made, been approved by resolution of each House of Parliament; or

(b) the order is laid before Parliament with a statement by the Secretary of State that the public interest requires it to be made without delay;

but an order made in pursuance of paragraph (b) above shall cease to have effect at the expiration of the period of twenty-eight days mentioned in paragraph (a) above unless before the end of that period a resolution approving it is passed by each House of Parliament; and if at any time before the end of that period either House rejects a motion approving the order, the order shall cease to have effect at that time.

(6) Where an order under subsection (1) above revoking an instrument ceases to have effect at any time the instrument shall after that time again have effect as if the order had not been made.

Requirement of consent.

36.—(1) The Assembly shall not without the consent of a Minister of the Crown exercise, under an enactment specified in column 1 of Schedule 4 to this Act, any power specified in relation to that enactment in column 2 of that Schedule.

(2) The Assembly shall not without the consent of a Minister of the Crown make or confirm a compulsory purchase order if the land in respect of which the order is made or an interest or right in it—

(a) is held by excepted statutory undertakers for the purposes of their undertaking, or

(b) is held by a local authority (or by a body formed by local authorities) for the purposes of any of the matters listed in Schedule 5 to this Act,

and the undertakers, authority or body have duly objected to the making of the order and have not withdrawn their objection.

Industrial and economic guidelines

Industrial and economic guidelines.

37.—(1) The Secretary of State shall with the approval of the Treasury prepare guidelines as to the exercise by the Assembly of its powers with respect to—

(a) such of the functions of the bodies mentioned in subsection (2) below as relate to the disposal of premises or other land for industrial purposes,

- (b) any other functions of the Welsh Development Agency relating to the promotion, financing, establishment, carrying on, growth, reorganisation, modernisation or development of industrial or commercial activities or undertakings, and PART II
- (c) any other functions of the Development Board for Rural Wales relating to economic development.

(2) The bodies referred to in subsection (1) above are—

- (a) the Welsh Development Agency ;
- (b) a county or district council ;
- (c) a development corporation within the meaning of the New Towns Act 1965 ; 1965 c. 59.
- (d) the Land Authority for Wales ;
- (e) the Development Board for Rural Wales.

(3) The Assembly shall exercise its powers so as to give effect to guidelines prepared under this section.

(4) Guidelines under this section shall be contained in or determined under an order of the Secretary of State.

(5) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Agency arrangements and information

38.—(1) Arrangements may be made between the Assembly and any relevant authority for any functions of one of them to be discharged by, or by officers of, the other, and for the provision by one of them for the other of administrative, professional or technical services. Agency arrangements and provision of services.

(2) No such arrangements for the discharge of any functions shall affect the responsibility of the authority on whose behalf the functions are discharged.

(3) In this section “ relevant authority ” means any department of the Government of the United Kingdom and any public or local authority or public corporation.

39. Where it appears to the Secretary of State that any information relating to the exercise of functions by the Assembly is required for the exercise of functions by a Minister of the Crown he may request the Assembly to supply the information and the Assembly shall comply with the request. Provision of information.

PART III

FINANCIAL PROVISIONS

Establishment and management of Welsh Funds

Welsh Consolidated Fund and Loans Fund.

40.—(1) There shall be a Welsh Consolidated Fund and a Welsh Loans Fund.

(2) The Executive Committee of the Assembly may from time to time cause sums to be transferred from one to the other of those Funds.

Payments out of Welsh Consolidated Fund.

41.—(1) No payment shall be made out of the Welsh Consolidated Fund except in accordance with credits granted on the Fund by the Welsh Comptroller and Auditor General ; but this subsection does not apply to transfers under section 40(2) above.

(2) The Welsh Comptroller and Auditor General shall grant credits on the Welsh Consolidated Fund at the request of the Executive Committee of the Assembly, but shall not grant any such credit for the payment of any sum unless that sum—

(a) has been charged on the Fund by or under any Act of Parliament, or

(b) is part of the sums appropriated for any purpose by an order of the Assembly ;

and no sum issued out of the Welsh Consolidated Fund on credits granted under paragraph (a) or (b) above shall be applied for any purpose other than that for which it is charged or appropriated as mentioned in that paragraph.

Appropriation of sums forming part of Welsh Consolidated Fund and destination of receipts.

42.—(1) Sums forming part of the Welsh Consolidated Fund may be appropriated only for a purpose for which the Assembly may exercise its powers or a purpose for which they are payable out of that Fund under this Act or any other Act of Parliament.

(2) The Assembly shall not charge a committee with the exercise of the power to make orders appropriating sums from the Welsh Consolidated Fund and shall not itself make such an order except on the recommendation of the Executive Committee.

(3) An order appropriating sums forming part of the Welsh Consolidated Fund may provide for the disposal of or the accounting for sums forming part of the receipts of the Assembly ; and so far as those receipts are not so disposed of or accounted for and are not payable into the Welsh Loans Fund they shall be paid into the Welsh Consolidated Fund.

Payments out of Welsh Loans Fund.

43.—(1) No payment shall be made out of the Welsh Loans Fund except in accordance with credits granted on the Fund by the Welsh Comptroller and Auditor General ; but this

subsection does not apply to transfers under section 40(2) above. PART III

(2) The Welsh Comptroller and Auditor General shall grant credits on the Welsh Loans Fund at the request of the Executive Committee of the Assembly, but shall not grant any such credit for the payment of any sum unless—

- (a) the Assembly has power to lend that sum ; or
- (b) the sum is required for the payment of interest on, or the repayment of, sums paid into the Fund under section 45 or 46 below or amounts deemed under any provision of this Act to be amounts of advances made to the Assembly ; or
- (c) the sum is required for a purpose incidental to any for which credits may be granted under paragraph (a) or (b) above ;

and no sum issued out of the Welsh Loans Fund on credits granted under paragraph (a) above shall be applied for any purpose other than the lending of money by the Assembly.

Payments into Welsh Funds out of United Kingdom Funds

44.—(1) The Secretary of State shall from time to time make out of moneys provided by Parliament payments into the Welsh Consolidated Fund of such sums as he may determine by order made with the consent of the Treasury. Payments into Welsh Consolidated Fund out of moneys provided by Parliament.

(2) No order under this section shall be made unless a draft of it has been laid before the House of Commons and approved by a resolution of that House ; and there shall be laid before that House, together with the draft, a statement of the considerations leading to the determination to be made by the order.

45.—(1) The Secretary of State shall from time to time pay into the Welsh Loans Fund such sums as he may with the consent of the Treasury determine. Payments into Welsh Loans Fund out of National Loans Fund.

(2) The Treasury may issue to the Secretary of State such sums out of the National Loans Fund as are required to enable him to make payments under this section.

(3) Payments under this section into the Welsh Loans Fund shall be deemed to be advances made to the Assembly and shall be repayable at such times and with interest at such rates as may be determined by the Treasury ; and any sums received by the Secretary of State by way of repayment or interest shall be paid into the National Loans Fund.

(4) The aggregate outstanding in respect of the principal of sums paid under subsection (1) above shall not exceed £250 million.

PART III (5) The Secretary of State may from time to time by order made with the consent of the Treasury substitute for the amount specified in subsection (4) above such increased amount as may be specified in the order.

(6) No order shall be made under this section unless a draft of it has been laid before the House of Commons and approved by a resolution of that House.

Borrowing and capital expenditure

Short term borrowing.

46.—(1) The Assembly may borrow in sterling temporarily, either by way of overdraft or otherwise, such sums as may appear to the Assembly to be required for the purpose of meeting a temporary excess of sums paid out of the Welsh Consolidated Fund or the Welsh Loans Fund over sums paid into that Fund or for the purpose of providing a working balance in either Fund.

(2) Sums borrowed by the Assembly shall be paid into the Welsh Loans Fund or the Welsh Consolidated Fund.

(3) So far as sums required for the repayment of, or the payment of interest on, sums borrowed under this section are not paid out of the Welsh Loans Fund they shall be charged on the Welsh Consolidated Fund.

(4) The aggregate outstanding in respect of the principal of sums borrowed by the Assembly shall not exceed £35 million.

(5) The Secretary of State may from time to time by order made with the consent of the Treasury substitute for the amount specified in subsection (4) above such increased amount as may be specified in the order.

(6) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of the House of Commons.

Treasury guarantee of sums borrowed by Assembly.

47.—(1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of and the payment of interest on any sums borrowed by the Assembly.

(2) Immediately after a guarantee is given under this section the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling such a guarantee the Treasury shall as soon as possible after the end of each financial year (beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged) lay before each House of Parliament a statement relating to that sum.

(3) Any sums required by the Treasury for fulfilling a guarantee under this section shall be charged on the Consolidated Fund.

(4) If any sums are issued in fulfilment of a guarantee given under this section, the Assembly shall make to the Treasury, at such time and in such manner as the Treasury may from time to time determine, payments of such amounts as the Treasury may determine in or towards repayment of the sums so issued and payments of interest, at such rate as the Treasury may from time to time determine, on what is outstanding for the time being in respect of sums so issued.

(5) Any sums payable to the Treasury under subsection (4) above shall be charged on the Welsh Consolidated Fund and any sums received by the Treasury under that subsection shall be paid into the Consolidated Fund of the United Kingdom.

48.—(1) In exercising its powers in relation to the bodies specified in subsection (3) below and its powers under Schedule 13 to the Local Government Act 1972 (loans and other financial provisions) the Assembly shall endeavour to secure that the aggregate of the expenditure incurred in any financial year which is relevant capital expenditure does not exceed such amount as the Secretary of State may by order made with the consent of the Treasury determine as the limit of such expenditure for that year.

Limitation of capital expenditure financed by borrowing.
1972 c. 70.

(2) For the purposes of this section relevant capital expenditure is capital expenditure—

- (a) met out of borrowed money by any body specified in paragraphs (b) to (h) of subsection (3) below, or
- (b) incurred by the Housing Corporation, the Severn-Trent Water Authority or the Welsh Water Authority and met out of money borrowed from, or with the consent of, the Assembly, or
- (c) incurred by (or by bodies formed by) local authorities in Wales, and met out of money borrowed with the consent of the Assembly ;

and “ expenditure ” includes the making of loans.

(3) The bodies referred to in subsection (1) above are—

- (a) the Housing Corporation ;
- (b) the Land Authority for Wales ;
- (c) the Welsh Development Agency ;
- (d) the Development Board for Rural Wales ;
- (e) any development corporation (within the meaning of the New Towns Act 1965) in Wales ;

1965 c. 59.

PART III
1976 c. 70.

- (f) any port health authority in Wales ;
- (g) any internal drainage board (within the meaning of the Land Drainage Act 1976) for a district which is wholly in Wales or is within the area of the Welsh Water Authority and partly in Wales ;
- (h) the Wales Tourist Board ;
- (i) the Severn-Trent Water Authority ; and
- (j) the Welsh Water Authority.

(4) No order under subsection (1) above shall be made unless a draft of it has been laid before the House of Commons and approved by a resolution of that House ; and there shall be laid before that House, together with the draft, a statement of the considerations leading to the determination to be made by the order.

Accounts and audit

Welsh
Comptroller
and Auditor
General.

49.—(1) There shall be a Welsh Comptroller and Auditor General.

(2) The Welsh Comptroller and Auditor General shall be appointed by Her Majesty and, subject to subsection (3) below, shall hold office during good behaviour.

(3) A person appointed under this section—

- (a) may be relieved of office by Her Majesty at his own request ; and
- (b) may be removed from office by Her Majesty if the Secretary of State, after consultation with the Assembly, recommends the removal to Her Majesty.

(4) The Welsh Comptroller and Auditor General shall not be a member of the House of Commons or of the Scottish or Welsh or Northern Ireland Assembly.

(5) The Welsh Comptroller and Auditor General may appoint officers and servants, subject to the consent of the Assembly as to numbers.

(6) Subject to subsection (7) below, any functions of the Welsh Comptroller and Auditor General may be performed by an officer of his authorised by him for that purpose.

(7) An authority given under subsection (6) above to certify and report on accounts for the Assembly—

- (a) shall extend only to accounts in respect of which the presiding officer of the Assembly has certified to the Assembly that the Welsh Comptroller and Auditor General is unable to do so himself ; and

(b) shall cease on a vacancy arising in the office of the Welsh Comptroller and Auditor General. PART III

(8) The expenses of the Welsh Comptroller and Auditor General shall be defrayed out of the Welsh Consolidated Fund.

50.—(1) There shall be paid to the Welsh Comptroller and Auditor General such salary as the Assembly may from time to time determine. Salary and pension of Welsh Comptroller and Auditor General.

(2) There shall be paid to or in respect of a person who ceases to hold office as Welsh Comptroller and Auditor General such amounts by way of pensions, allowances or gratuities or by way of provision for any such benefits as the Assembly may from time to time determine.

(3) Any determination under the preceding provisions of this section may take effect from the date on which it is made or such other date as the Assembly may specify, but not so as to diminish the sums payable for any period preceding the determination.

(4) If a person ceases to be Welsh Comptroller and Auditor General and it appears to the Assembly that there are special circumstances which make it right that he should receive compensation there shall be paid to him such amount as the Assembly may determine.

(5) Any sums payable under this section shall be charged on the Welsh Consolidated Fund.

51. The Welsh Comptroller and Auditor General shall have free access, at all convenient times, to the books of account and other documents relating to the accounts of the Assembly and may require the Assembly to furnish him from time to time, or at regular periods, with accounts of its transactions. Access of Welsh Comptroller and Auditor General to books and documents.

52.—(1) For each financial year—

(a) the Assembly shall prepare appropriation accounts of sums paid and received by it ; and Appropriation and other accounts and audit.

(b) the Executive Committee shall prepare an account of payments into and out of the Welsh Consolidated Fund and an account of payments into and out of the Welsh Loans Fund.

(2) The accounts prepared under this section shall be sent to the Welsh Comptroller and Auditor General not later than the end of November following the end of the financial year to which they relate ; and he shall examine, certify and report on them and send copies of them, together with his reports, to the Assembly.

PART III
Accounts
Committee.

53.—(1) The Assembly shall appoint an Accounts Committee, which shall examine and report to the Assembly on the accounts and reports sent to the Assembly by the Welsh Comptroller and Auditor General.

(2) The Accounts Committee may include one but shall not include more than one member of the Executive Committee.

Publication
of accounts
and reports.

54. The Assembly shall publish the accounts prepared and reports made under sections 52 and 53 above.

Modification of existing enactments

Modification
of enactments
providing for
payments into
or out of
Consolidated
Fund or
authorising
advances from
National
Loans Fund.

55.—(1) Any Act passed before this Act which—

- (a) charges any sum on the Consolidated Fund ; or
- (b) requires or authorises the payment of any sum into or out of the Consolidated Fund ; or
- (c) requires or authorises the payment of any sum out of moneys provided by Parliament ;

shall have effect so far as it relates to the exercise of functions by the Assembly as if it provided for the sum to be charged on or, as the case may be, paid into or out of the Welsh Consolidated Fund.

(2) So far as any power to advance money conferred by the enactments mentioned in Schedule 6 to this Act is exercisable by the Assembly—

- (a) any sums which for the purpose or as the result of the exercise of the power are required to be issued or paid shall, instead of being issued to a Minister of the Crown out of the National Loans Fund or paid to a Minister of the Crown or into that Fund, be issued to the Executive Committee out of the Welsh Loans Fund or, as the case may be, paid to the Assembly or into that Fund ; and
- (b) the rate of interest on any advance made in the exercise of the power shall be not less than the lowest rate determined by the Treasury under section 5 of the National Loans Act 1968 in respect of similar advances made out of the National Loans Fund on the day the advance is made ; and
- (c) any account relating to the sums mentioned in paragraph (a) above shall be sent to and audited and reported on by the Welsh Comptroller and Auditor General and his report shall be sent to and published by the Assembly.

Existing debt

PART III

56. Where any power to advance money conferred by the enactments mentioned in Schedule 6 to this Act is exercisable by the Assembly but was, before it became so exercisable, exercised by the Secretary of State—

Existing advances from National Loans Fund.

- (a) any amount payable by way of repayment of or interest on the sum advanced by the Secretary of State in the exercise of that power shall, instead of being paid to the Secretary of State and into the National Loans Fund, be paid to the Assembly and into the Welsh Loans Fund ; and
- (b) amounts equal to those which, by virtue of this section, are to be received by the Assembly in repayment of principal shall be deemed to be amounts of advances made at the coming into operation of this section to the Assembly by the Secretary of State and repayable at such times and with interest at such rates as may be determined by the Treasury ; and
- (c) any sums received by the Secretary of State by virtue of paragraph (b) above shall be paid into the National Loans Fund.

Accounts by Secretary of State

57. The Secretary of State shall for each financial year prepare an account in such form and manner as the Treasury may direct and send it to the Comptroller and Auditor General not later than the end of November following the end of the year ; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

Accounts by Secretary of State.

PART IV

MISCELLANEOUS

58.—(1) Grants for any financial year which, after the coming into force of this section, fall to be made under Part I of the Local Government Act 1974, except section 8(2), to local authorities in Wales shall be made by the Assembly out of the Welsh Consolidated Fund instead of by the Secretary of State out of moneys provided by Parliament.

Rate support and other grants. 1974 c. 7.

(2) In taking into consideration the matters mentioned in paragraphs (a) to (d) of subsection (3) of section 1 of the Local Government Act 1974 the Assembly shall have regard to such considerations affecting the matters listed in Schedule 5 to this Act as the Secretary of State may bring to its notice after consulting such associations of local authorities as appear to him to be concerned and before the conclusion of the consultations required by that subsection.

PART IV
Power to
make new
provision as
to certain
bodies.

59.—(1) In relation to any body listed in Schedule 7 to this Act, a Minister of the Crown may by order make any such provision as is mentioned in subsection (3) below.

(2) In relation to a body listed in Part I of Schedule 7 to this Act, a Minister of the Crown may by order modify or exclude any provision of this Act.

(3) The provisions that may be made in relation to a body by an order under subsection (1) above are provisions—

- (a) enabling powers to be exercised or requiring duties to be performed by the Assembly instead of by a Minister of the Crown, or by the one or by the other, or by the Assembly with the consent of a Minister of the Crown ;
- (b) requiring or authorising the appointment of additional members ;
- (c) apportioning any assets or liabilities ;
- (d) imposing, or enabling the imposition of, any special limits in addition to or in substitution for existing limits ;
- (e) providing, in the case of a body listed in Part II of Schedule 7 to this Act, for the application of section 48 above ;
- (f) requiring or authorising payments into or out of the Welsh Consolidated or Loans Fund (instead of or in addition to payments into or out of the Consolidated Fund of the United Kingdom or the National Loans Fund or out of moneys provided by Parliament) ;
- (g) requiring payments, with or without interest, to a Minister of the Crown or into the Consolidated Fund or National Loans Fund ;

and such provisions, including provisions relating to the keeping, auditing and certification of accounts and the making of reports and provisions modifying any enactment, as appear to the Minister making the order necessary or expedient in consequence of other provisions of the order or incidental or supplementary thereto.

(4) Before making an order under this section relating to any body the Minister making the order shall consult the body ; and if the body is listed in Part II of Schedule 7 to this Act the order shall not be made except at the request of the Assembly.

(5) No order shall be made under this section unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

60.—(1) Where, under the provisions of this Act, all powers conferred by any enactment on a Minister of the Crown to appoint members of a body established by any enactment are exercisable by the Assembly, a Minister of the Crown may by order provide for the exercise by the Assembly of all or any of the functions of that body and, if he so provides as to all those functions, for the dissolution of that body. PART IV
Power to transfer functions of certain bodies to Assembly.

(2) An order under this section may contain such consequential, incidental or supplementary provisions, including the modification of any enactment, as appear to the Minister making the order to be necessary or expedient.

(3) An order under this section shall not be made except at the request of the Assembly and after the Assembly has consulted the body to which it relates.

(4) No order shall be made under this section unless a draft of it has been laid before and approved by resolution of each House of Parliament.

61. The Assembly may make arrangements with the British Tourist Authority for that Authority to undertake activities outside the United Kingdom for the purpose of encouraging people to visit Wales. Tourism.

62.—(1) There shall be a Countryside Commission for Wales (in this section referred to as “the Welsh Commission”) which shall exercise the functions conferred on them by the following provisions of this section for the conservation and enhancement of the natural beauty and amenity of the Welsh countryside, particularly in areas designated under the National Parks and Access to the Countryside Act 1949 as National Parks or as areas of outstanding natural beauty; and for the encouragement of the provision and improvement, for persons resorting to the countryside, of facilities for the enjoyment of the countryside and of open air recreation in the countryside. Countryside Commission for Wales.
1949 c. 97.

(2) So far as the functions under the provisions specified in subsection (9) below are exercisable as regards Wales they shall be exercised by the Welsh Commission instead of by the Countryside Commission.

(3) The Welsh Commission shall be a body corporate and shall consist of such number of members appointed by the Assembly as the Assembly may determine; and the Assembly shall appoint one of them to be chairman.

(4) The Assembly may pay to any of the members of the Welsh Commission such remuneration (whether by way of salary

PART IV or by way of fees) and such reasonable allowances as the Assembly may determine in respect of—

- (a) expenses properly incurred in the performance of their duties,
- (b) loss of remunerative time, or
- (c) additional expenses necessarily incurred by them for the purpose of enabling them to perform their duties, being expenses to which they would not otherwise have been subject.

(5) The Welsh Commission may with the approval of the Assembly appoint a secretary to the Commission and may appoint such number of other officers and servants as the Assembly may determine.

(6) The functions of the Welsh Commission and of their officers and servants shall be exercised on behalf of the Crown.

(7) The procedure (including the quorum) of the Welsh Commission shall be such as the Commission may determine.

(8) The validity of any proceeding of the Welsh Commission shall not be affected by any vacancy among their members or by any defect in the appointment of any of their members.

(9) The provisions mentioned in subsection (2) above are—

- 1949 c. 97. (a) section 4 and Parts II, IV, V and VI of the National Parks and Access to the Countryside Act 1949 ;
- 1968 c. 41. (b) the Countryside Act 1968 ;
- 1972 c. 70. (c) paragraphs 9 to 13, 15, 17 and 19 of Schedule 17 to the Local Government Act 1972 ;
- 1973 c. xxxvi. (d) section 49 of the North Wales Hydro Electric Power Act 1973.

(10) The Assembly may give to the Welsh Commission such directions of a general character as appear to it expedient in relation to the exercise of the Commission's functions and the Commission shall comply with the directions.

(11) As soon as may be after giving a direction under subsection (10) above the Assembly shall cause a notice setting out the directions to be published in such manner as appears to it to be requisite for notifying persons concerned.

(12) The Committee for Wales appointed under section 3 of the Countryside Act 1968 shall be dissolved and that section shall cease to have effect.

(13) Section 60 above shall apply in relation to the Welsh Commission as it applies in relation to the bodies there referred to.

(14) The reference in subsection (1) above to the conservation of the natural beauty of the Welsh countryside shall be construed as including a reference to the conservation of its flora, fauna and geological and physiographical features. PART IV

63.—(1) For the purposes of section 9 above any power which, by any provision specified in Part I of Schedule 8 to this Act, is conferred on a Minister of the Crown shall be deemed— Water and land drainage.

- (a) so far as it is exercisable in relation to the Welsh Water Authority, to be a power exercisable as regards Wales; and
- (b) so far as it is exercisable in relation to the Severn-Trent Water Authority, not to be a power exercisable as regards Wales.

(2) The Secretary of State may, with respect to any statutory water company (within the meaning of the Water Act 1973) which supplies water to an area most of which is within Wales, by order make provision similar to the provision made by this Act with respect to the Welsh Water Authority but no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament. 1973 c. 37.

(3) The powers of the Assembly under any of the provisions specified in Part III or IV of Schedule 8 to this Act shall be subject to the provisions of Part II of that Schedule and sections 34 and 35 above shall not apply in any case where, under that Schedule, the Secretary of State has power to intervene.

(4) For the purposes of section 9 above, any power conferred on a Minister of the Crown by sections 7(3), 23, 68 to 78, 84 to 87 and 94 of and Schedule 2 to the Land Drainage Act 1976 shall be deemed— 1976 c. 70.

- (a) so far as it is exercisable in relation to a drainage board for an internal drainage district which is within the area of the Welsh Water Authority and partly in Wales, to be a power exercisable as regards Wales; and
- (b) so far as it is exercisable in relation to a drainage board for an internal drainage district which is within the area of the Severn-Trent Water Authority and partly in England, not to be a power exercisable as regards Wales.

64. Section 34 above shall not apply to any action proposed to be taken or capable of being taken by the Assembly in the exercise of any of the powers specified in Part I of Schedule 9 to this Act; but the provisions of Part II of that Schedule shall have effect in relation to those powers. Planning.

PART IV
Status and remuneration of certain officers and servants.

65.—(1) Service as an officer or servant of the Assembly or of the Welsh Comptroller and Auditor General shall be service in Her Majesty's Home Civil Service, and appointments to any position as such an officer or servant shall be made accordingly; but any salary and allowances in respect of such service (including contributions to any pension scheme) shall be payable out of the Welsh Consolidated Fund.

(2) The Assembly shall pay to the Minister for the Civil Service out of the Welsh Consolidated Fund such sums in respect of each financial year as the Minister for the Civil Service may determine, subject to any directions of the Treasury, as being equivalent to—

- (a) the increase during that year of such of his liabilities as are attributable to the provision of pensions, allowances or gratuities to or in respect of persons who are or have been such officers or servants as are mentioned in subsection (1) above, in so far as that increase results from their service, their ceasing to serve or their suffering diminution of emoluments during that financial year; and
- (b) the increase during that year of such of his liabilities as are attributable to the expenses to be incurred in administering those pensions, allowances or gratuities.

Transfer of property.

66.—(1) The Secretary of State shall by order provide—

- (a) for the transfer to and vesting in the Assembly of property vested in him and appearing to him to be property used or to be used solely or mainly for or in connection with the exercise of functions which by virtue of this Act have become or will become functions of the Assembly; and
- (b) for the exercise by the Assembly of rights specified in or determined under the order to use property vested in him and appearing to him to be property used or to be used as mentioned in paragraph (a) above but not solely or mainly so used or to be used.

(2) An order under subsection (1) above may be made with respect to any property, notwithstanding any provision (of whatever nature) which would prevent or restrict its transfer or, as the case may be, the granting of the rights concerned by other means.

(3) An order under this section may be made subject to any exceptions or reservations specified in or determined under the order and may contain such consequential, incidental or supplementary provisions (including provisions for the transfer of liabilities connected with the property concerned) as appear to the Minister making the order to be necessary or expedient.

(4) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament. PART IV

67. No stamp duty shall be chargeable on any instrument made by, to or with the Assembly. Stamp duty.

68.—(1) Her Majesty may by Order in Council make provision for the investigation by the Parliamentary Commissioner for Administration of administrative action taken by or on behalf of the Assembly. Complaints of maladministration.

(2) An Order in Council under this section may apply, with such exceptions and modifications as appear to Her Majesty to be necessary or expedient, any of the provisions of the Parliamentary Commissioner Act 1967. 1967 c. 13.

(3) A statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

69. The Assembly shall be a public body for the purposes of the Prevention of Corruption Acts 1889 to 1916. Corrupt practices.

PART V

GENERAL AND SUPPLEMENTARY

70.—(1) Without prejudice to any power exercisable apart from this section, the Attorney General may institute against the Assembly proceedings of the kind specified in subsection (2) below notwithstanding that each of them acts on behalf of the Crown. Determination of issues as to Assembly's powers.

(2) The proceedings referred to in subsection (1) above are proceedings for a declaration as to—

- (a) whether a power conferred or duty imposed by or under any enactment is exercisable or falls to be discharged by the Assembly ;
- (b) whether anything done or proposed to be done by the Assembly is within its powers ; or
- (c) whether the Assembly has failed to discharge a duty imposed on it.

71. In reckoning any period for the purposes of section 34 or 35 above, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days. Reckoning of time for certain purposes.

PART V
Orders.

72.—(1) Any power to make orders conferred by this Act on a Minister of the Crown shall be exercisable by statutory instrument.

(2) Any order made under any provision of this Act may be varied or revoked by a subsequent order made under that provision.

Expenses.

73. There shall be paid out of moneys provided by Parliament any administrative expenses incurred by a Minister of the Crown under this Act and any increase attributable to this Act in the sums so payable under any other Act.

Construction of references to Ministers, etc.

74.—(1) So far as may be necessary for the purpose or in consequence of the exercise by the Assembly of any of its functions, any enactment or other document passed or made before the passing of this Act shall be construed as if references to a Minister of the Crown were or included references to the Assembly.

(2) References in any such enactment to property vested in or held for the purposes of a Government department shall be construed as including references to property vested in or held for the purposes of the Assembly; and in relation to land so vested or held the Assembly shall be deemed to be a Government department for the purposes of any such enactment.

Statutory references to Parliament in connection with subordinate legislation.

75.—(1) Where a power conferred on a Minister of the Crown to make, confirm or approve orders, rules, regulations or other subordinate legislation is subject to a provision—

- (a) requiring any instrument made in the exercise of the power, or a draft of any such instrument, to be laid before Parliament or either House of Parliament, or
- (b) for the annulment or approval of any such instrument or draft by or in pursuance of a resolution of either or both Houses of Parliament, or
- (c) prohibiting the making of such an instrument without that approval, or
- (d) for any such instrument to be a provisional order, that is to say an order which requires to be confirmed by Act of Parliament, or
- (e) requiring any order (within the meaning of the Statutory Orders (Special Procedure) Act 1945) to be subject to special parliamentary procedure,

1945 c. 18
(9 & 10 Geo. 6).

then, in relation to an exercise of the power by the Assembly by virtue of section 9 above, that provision shall not have effect.

(2) Subsection (1) above shall not have effect so as to prevent a provision for special parliamentary procedure from applying in relation to a power exercisable under an enactment specified in the first column of Schedule 10 to this Act if it is exercised in circumstances specified in the second column.

PART V

76.—(1) Where any enactment passed or made before the passing of this Act makes provision for any report to be laid before Parliament or either House of Parliament and the report relates exclusively to matters with respect to which the Assembly exercises functions, it shall instead be sent to and published by the Assembly, but subject to subsection (2) below.

Modification of enactments requiring the laying of reports before Parliament.

(2) If the report is one which, by virtue of this Act, is to be made by the Assembly instead of by a Minister of the Crown, the provision shall not have effect but the Assembly shall publish the matter which would have been contained in the report had the provision had effect.

(3) In this section “ report ” includes any statement.

77.—(1) The enactments mentioned in Schedule 11 to this Act shall have effect subject to the amendments specified in that Schedule.

Amendment of enactments.

(2) A Minister of the Crown may by order make such amendments in any Act passed before or in the same session as this Act and in any other enactment passed or made before the passing of this Act as appear to him necessary or expedient in consequence of this Act.

(3) A statutory instrument made under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

78.—(1) In this Act, except where the context otherwise requires—

Interpretation.

“ enactment ” includes an enactment of the Parliament of Northern Ireland, a Measure of the Northern Ireland Assembly, an Order in Council under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972 or paragraph 1 of Schedule 1 to the Northern Ireland Act 1974, a Scottish Assembly Act, any instrument made by virtue of an enactment (as defined herein) and a Royal Warrant ;

1972 c. 22.
1974 c. 28.

“ excepted statutory undertakers ” means—

(a) persons authorised by any enactment to carry on any road transport, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of electricity, gas or hydraulic power ; and

PART V

- (b) the Post Office, the British Railways Board and the National Coal Board ;
 but subject to subsection (4) below ;
 “ financial year ” means a year ending with 31st March ;
 “ Minister of the Crown ” includes the Treasury ;
 “ property ” includes rights and interests of any description ;
 “ road transport undertaking ” does not include a passenger transport undertaking.

(2) Except where the context otherwise requires, references in this Act to the proceedings of the Assembly include references to proceedings of any committee of the Assembly or of any sub-committee of such a committee.

(3) Except where the context otherwise requires, any reference in this Act to an enactment is a reference to that enactment as amended, and includes a reference to it as applied, by any other enactment.

(4) The Secretary of State may by order provide that any persons specified in the order shall be treated as being, or as ceasing to be, excepted statutory undertakers for the purposes of this Act or for such of those purposes as may be so specified ; and a statutory instrument made under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Commence-
ment.**

79.—(1) The preceding provisions of this Act shall not come into operation until such day as the Secretary of State may by order appoint.

(2) Different days may be appointed under this section for different provisions of this Act and for different purposes of the same provision.

(3) An order under this section may contain such transitional and supplementary provisions as appear to the Secretary of State to be necessary or expedient, including provision for expenses to be defrayed out of moneys provided by Parliament.

(4) The first order under this section shall not be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

Referendum.

80.—(1) Before a draft of the first order to be made under section 79 above is laid before Parliament a referendum shall be held in accordance with Schedule 12 to this Act on the question whether effect is to be given to the provisions of this Act.

(2) If it appears to the Secretary of State that less than 40 per cent. of the persons entitled to vote in the referendum have voted

“ Yes ” in reply to the question posed in the Appendix to Schedule 12 to this Act or that a majority of the answers given in the referendum have been “ No ” he shall lay before Parliament the draft of an Order in Council for the repeal of this Act.

PART V

(3) If a draft laid before Parliament under this section is approved by resolution of each House, Her Majesty in Council may make an Order in the terms of the draft.

81. If a proclamation summoning a new Parliament is made before a referendum is held in pursuance of section 80 above, the referendum shall not be held earlier than three months after the date of the poll at the election of members of the new Parliament ; and if an earlier date has been appointed by Order in Council under paragraph 1 of Schedule 12 to this Act, the Order shall not take effect, but without prejudice to the making of a new Order under that paragraph.

Period between
general election
and
referendum.

82. This Act may be cited as the Wales Act 1978.

Short title.

SCHEDULES

Section 1.

SCHEDULE 1

ASSEMBLY CONSTITUENCIES

PART I

REPORTS OF BOUNDARY COMMISSION AND ORDERS IN COUNCIL

1. Where the Boundary Commission for Wales submit to the Secretary of State a report under subsection (1) of section 2 of the Act of 1949 they shall submit with it a supplementary report showing into what Assembly constituencies Wales should be divided in accordance with the provisions of Part II of this Schedule ; and where, after the first supplementary report submitted under this paragraph, they submit a report under subsection (3) of that section, they shall submit with it a supplementary report showing into what Assembly constituencies the area to which the report relates should be divided in accordance with the provisions of Part II of this Schedule.

2. Sections 2(4), 2(5) and 3 of the Act of 1949 (notice of proposed report of Boundary Commission and implementation of recommendations in report) paragraphs 3 and 4 of Part III of Schedule 1 to that Act (notice of proposed recommendation and local inquiries) and section 4 of the Act of 1958 (procedure) shall apply in relation to a supplementary report made under this Schedule and a recommendation made or proposed to be made in such a report ; and in those provisions as they apply by virtue of this paragraph references to constituencies shall be construed as references to Assembly constituencies and references to electors as references to electors for the Assembly.

1972 c. 70.

3. Subsections (2) and (3) of section 250 of the Local Government Act 1972 (attendance of witnesses at inquiries) shall apply in relation to an inquiry held in pursuance of paragraph 2 above.

4. Nothing in paragraph 2 above shall be taken as enabling the Secretary of State to modify any recommendation or draft Order in Council in a manner conflicting with the provisions of Part II of this Schedule.

5. An Order in Council under the provisions applied by paragraph 2 above shall apply to the first ordinary election for the Assembly held after the Order comes into force and (subject to any further Order in Council) to any subsequent election for the Assembly, but shall not affect any earlier election or the constitution of the Assembly before the expiry of the term of office of the members holding office at the time the Order comes into force.

PART II

SCH. 1

DIVISION OF WALES INTO ASSEMBLY CONSTITUENCIES

6. Each Assembly constituency shall be wholly comprised in one parliamentary constituency.

7. The electorate of any Assembly constituency shall be as near the electorate of any other Assembly constituency comprised in the same parliamentary constituency as is practicable, having regard to paragraph 8 below.

8. Regard shall be had, so far as practicable, to the boundaries of local government areas.

9. A parliamentary constituency the electorate of which is more than 125 per cent. of the electoral quota shall comprise three Assembly constituencies and any other parliamentary constituency shall comprise two Assembly constituencies.

10. The Boundary Commission may depart from the strict application of paragraph 8 above if it appears to them that the departure is desirable to avoid an excessive disparity between the electorates of Assembly constituencies comprised in the same parliamentary constituency.

11. The Boundary Commission may depart from the strict application of paragraph 7 or 8 above—

- (a) if special geographical considerations, including in particular the size, shape and accessibility of an Assembly constituency, appear to them to render the departure reasonable ; or
- (b) if, taking account, so far as they reasonably can, of the inconvenience resulting from alterations of Assembly constituencies, and of any local ties which would be broken by such alterations, a departure appears to them desirable.

PART III

RETURN OF INITIAL MEMBERS

12. The Secretary of State shall by order specify the areas for which, in accordance with section 1(2) of this Act, the initial members of the Assembly are to be returned, and the order shall indicate the electoral quota and, for each of those areas, the electorate and the number of initial members to be returned.

PART IV

INTERPRETATION

13. In Parts I and II of this Schedule—

“electoral quota” means the number obtained by dividing the electorate by the number of parliamentary constituencies into which Wales would be divided if effect were given to the recommendations of the Boundary Commission ;

- SCH. 1 “electorate” means the number of persons whose names, on the date specified for the purposes of this paragraph in the supplementary report of the Boundary Commission, appear on the registers of electors for the Assembly, or as the case may require, such parts of those registers as relate to the constituency or proposed constituency concerned ;
- 1949 c. 66. “the Act of 1949” means the House of Commons (Redistribution of Seats) Act 1949 ;
- 1958 c. 26. “the Act of 1958” means the House of Commons (Redistribution of Seats) Act 1958.

14. In Part III of this Schedule, this paragraph and section 1 of this Act—

“electoral quota” means the number obtained by dividing the electorate (as defined in this paragraph) of Wales by the number of parliamentary constituencies there at the time of the election of initial members ; and

“electorate” means the number of persons whose names appear on the relevant registers of parliamentary electors last published before the date on which the order under paragraph 12 above was made, the relevant registers being, as the case may require, those for the constituency concerned or those for all constituencies in Wales.

Section 9(1).

SCHEDULE 2

EXISTING STATUTORY FUNCTIONS

PART I

LOCAL GOVERNMENT

Enactment

The Local Government (Miscellaneous Provisions) Act 1953 (c.26).

The Public Bodies (Admission to Meetings) Act 1960 (c.67).

The Local Government (Records) Act 1962 (c.56).

The Local Authorities (Land) Act 1963 (c.29).

The Local Government Act 1966 (c.42).

Excluded functions

The function under section 5(3) (b) of determining disputes between a local authority and excepted statutory undertakers.

The power to fix rates of interest in respect of advances made under section 3 or 4 for the erection of industrial buildings (within the meaning of section 66 of the Town and Country Planning Act 1971 (c.78)).

The functions under section 35(2) so far as exercisable in relation to matters listed in Schedule 5 to this Act.

<i>Enactment</i>	<i>Excluded functions</i>	SCH. 2
<p>The Local Authorities (Goods and Services) Act 1970 (c.39).</p> <p>The Local Government Act 1972 (c. 70) sections 55, 68(1) to (7) and 74 and Parts V to IX, XI and XII.</p> <p>The Local Government Act 1974 (c.7) sections 11 to 13, 23(7), 24, 35(3) and 40(1), and paragraph 9 of Schedule 4.</p> <p>The Housing Finance (Special Provisions) Act 1975 (c.67).</p>	<p>The functions under section 103 as modified by section 107(7).</p> <p>The functions under sections 110(5), 141 and 230 so far as exercisable in relation to matters listed in Schedule 5 to this Act.</p> <p>The powers under section 119.</p> <p>The functions under sections 121(1), 122(3), 123(4) and 123A so far as exercisable in relation to land which is to be acquired or is held for purposes relating to matters listed in Schedule 5 to this Act.</p> <p>The functions under sections 171, 198, 200 and 201.</p> <p>The power under section 236 to confirm byelaws relating to matters listed in Schedule 5 to this Act.</p> <p>The functions under section 244.</p> <p>The powers under section 250 so far as their exercise is incidental to functions which remain exercisable by a Minister of the Crown.</p> <p>The functions under sections 254 and 262 except so far as exercisable in relation to matters with respect to which the powers of the Assembly are exercisable.</p> <p>The functions under sections 259 and 260.</p> <p>The functions under Schedule 12.</p> <p>The powers of the Treasury under paragraphs 2(1)(g) and 3 to 6 of Schedule 13 and, so far as they relate to borrowing for purposes relating to matters listed in Schedule 5 to this Act, the powers under paragraph 1 of Schedule 13.</p> <p>The powers under section 35(3) so far as they relate to any control which remains exercisable by a Minister of the Crown.</p>	

SCH. 2

Enactment

The Local Government (Miscellaneous Provisions) Act 1976 (c.57) Parts I and III.

Excluded functions

The functions under section 11. The functions under section 13 so far as exercisable in relation to the acquisition of rights for purposes relating to matters listed in Schedule 5 to this Act. The functions under section 14 so far as exercisable in relation to interests held for purposes relating to matters listed in Schedule 5 to this Act. The powers under section 15(3) (e) and (f) so far as exercisable in relation to land held by excepted statutory undertakers. The powers under section 26(6) (b).

PART II

LOCAL MATTERS

Enactment

The Markets and Fairs Clauses Act 1847 (c.14) section 44.
The Burial Act 1853 (c.134).
The Burial Act 1855 (c.128).
The Burial Act 1857 (c.81).
The Burial Act 1859 (22 Vict. c.1).
The Fairs Act 1871 (c.12).
The Fairs Act 1873 (c.37).

Excluded functions

The Public Health Act 1875 (c.55) section 184 and Part IX. The functions under Part IX so far as exercisable in relation to matters listed in Schedule 5 to this Act.

The Cremation Act 1902 (c.8). The powers under section 7 to make regulations in connection with the burning of human remains.

The Public Health Acts Amendment Act 1907 (c.53) section 82.

The Cinematograph Act 1909 (c.30).

The Fees (Increase) Act 1923 (c.4) section 7.

The Theatrical Employers Registration Act 1925 (c.50).

<i>Enactment</i>	<i>Excluded functions</i>	SCR. 2
The Welsh Church (Burial Grounds) Act 1945 (c. 27).		
The Shops Act 1950 (c.28) Part I, section 43, Part IV and section 69.	The power under section 69 so far as exercisable in relation to functions other than those under Part I, section 43 and Part IV.	
The Cremation Act 1952 (c.31).		
The Food and Drugs Act 1955 (4 and 5 Eliz. 2 c.16) section 125(1)(b).	The powers under that section so far as relating to byelaws other than those under section 61.	
The Shops (Airports) Act 1962 (c.35).		
The Licensing Act 1964 (c.26).		
The Theatres Act 1968 (c.54) section 19(3) and Schedule 1, paragraph 3.		
The Mines and Quarries (Tips) Act 1969 (c.10) Part II.		

PART III

EDUCATION, ETC.

<i>Enactment</i>	<i>Excluded functions</i>
The School Sites Acts 1841 to 1852.	
The School Grants Act 1855 (c.131).	
The Technical and Industrial Institutions Act 1892 (c.29).	
The Physical Training and Recreation Act 1937 (c.46).	
The Education Acts 1944 to 1976.	The function under section 45(4) of the Education Act 1944 (c.31) of issuing instructions to local offices of the Department of Employment. The functions under section 75(1) of that Act.

SCH. 2

Enactment

The Education Acts 1944 to
1976—*cont.*

Excluded functions

The function under section 77 of that Act of making recommendations to Her Majesty on the appointment of inspectors.

The powers under section 93 of that Act so far as their exercise is incidental to functions which remain exercisable by a Minister of the Crown.

The functions under section 100(1)(b) of that Act so far as relating to terms and conditions of service, pensions, gratuities or allowances payable on retirement or death, or compensation for loss of office or employment or loss or diminution of emoluments.

The function of giving certificates under section 115 of that Act.

The functions of the Lord Chancellor under Schedule 6 to that Act.

The functions under section 6 of the Education (Miscellaneous Provisions) Act 1948 (c.40) except those exercisable under subsection (1) in cases involving two authorities in Wales.

The functions under section 7 of the Education (Miscellaneous Provisions) Act 1953 (c.33) except those exercisable under subsection (1) in cases involving two authorities in Wales.

The functions under the Education Act 1962 (c.12) except section 3(a), (c) and (d).

The functions under the Remuneration of Teachers Act 1965 (c.3).

The functions under sections 3 and 4 of the Education Act 1973 (c.16).

The Public Libraries and Museums Act 1964 (c.75).

The Sex Discrimination Act 1975 (c.65) sections 24, 25(2), 27, 66(5) and 78.

The Race Relations Act 1976 (c.74) sections 19(2) and 57(5).

The functions under section 78 and Schedule 2 so far as exercisable in relation to establishments falling within paragraph 4 of the Table in section 22.

PART IV

LANDLORD AND TENANT AND HOUSING

SCH. 2

<i>Enactment</i>	<i>Excluded functions</i>
The Small Dwellings Acquisition Act 1899 (c.44).	The function under section 5(2) (b).
The Housing Act 1914 (c.31).	
The Landlord and Tenant Act 1927 (c.36) section 20.	
The Housing (Emergency Powers) Act 1939 (c.73).	
The Repair of War Damage Act 1941 (c.34).	
The Landlord and Tenant Act 1954 (c.56).	The functions under sections 58, 60 and 63. The functions under section 57, except so far as exercisable in relation to property in which the interest of the landlord or of any superior landlord belongs to or is held for the purposes of the Assembly.
The Housing Acts 1957 to 1977.	The function under section 85(1) of the Housing Act 1957 (c.56). The function under paragraph 1(1) of Schedule 2 to that Act (as set out in Schedule 4 to the Housing Act 1969 (c.33)). The power of the Treasury under paragraph 6 of Schedule 8 to the Housing Act 1957. The functions under the House Purchase and Housing Act 1959 (c.33) except section 29(3). The functions under Part II of the Housing Subsidies Act 1967 (c.29). The functions under section 23 of the Housing Finance Act 1972 (c.47). The functions under Part II of Schedule 4 to that Act. The powers of the Treasury under section 7(3) and (4) of the Housing Act 1974 (c.44) so far as relating to borrowing outside the United Kingdom or in a currency other than sterling. The functions under section 14 of that Act.

SCH. 2

*Enactment**Excluded functions*

The Housing Acts 1957 to 1977
—*cont.*

The functions under section 99(1) of that Act, except so far as exercisable in relation to land belonging to or held for the purposes of the Assembly.

The functions under sections 99(5) and 119 of that Act.

The functions under section 11 of the Housing Rents and Subsidies Act 1975 (c.6).

The Landlord and Tenant Act 1962 (c.50).

The Leasehold Reform Act 1967 (c.88).

The functions under sections 22(2), 28(7) and 29(6).

The functions under section 33 and paragraph 14 of Schedule 1, except so far as exercisable with respect to land in which there is or has been an interest belonging to or held for the purposes of the Assembly.

The functions under paragraphs 4 and 5 of Schedule 4.

The Defective Premises Act 1972 (c.35) section 2.

The Rent (Agriculture) Act 1976 (c.80).

The powers under section 26(5).
The powers under section 29.
The powers under paragraph 12 of Schedule 3.

The Rentcharges Act 1977 (c.30).

The powers under that Act so far as exercisable in relation to any rentcharge (or legally apportioned part) that affects both land in England and land in Wales.

The Rent Act 1977 (c.42).

The powers under section 142.
The powers of the Lord Chancellor under paragraph 2 of Schedule 10.

The Protection from Eviction Act 1977 (c.43) section 5.

The Home Purchase Assistance and Housing Corporation Guarantee Act 1978 (c. 27) sections 1 and 2(2) to (4).

The functions under those sections so far as exercisable otherwise than in relation to advances to or loans by the institutions specified in paragraphs 2, 3 and 5 of the Schedule.

PART V

SCH. 2

FIRE SERVICES

<i>Enactment</i>	<i>Excluded functions</i>
The Fire Services Act 1947 (c.41).	The functions under sections 23, 26 and 29.
The Fire Services Act 1959 (c.44).	
The Fire Precautions Act 1971 (c.40).	The functions under section 36.
The Fire Precautions (Loans) Act 1973 (c.11).	The functions under section 1(4).

PART VI

HEALTH AND SOCIAL SERVICES

<i>Enactment</i>	<i>Excluded functions</i>
The Children and Young Persons Act 1933 (c.12) sections 10(4), 18, 27, 93 and 103.	
The National Assistance Act 1948 (c.29).	
The Children Act 1948 (c.43).	The functions under sections 30(4) and 43. The powers of the Lord Chancellor under Part I of Schedule 1.
The Nurses Agencies Act 1957 (c.16).	
The Children Act 1958 (c.65).	
The Adoption Act 1958 (7 & 8 Eliz. 2 c.5) sections 30, 32, 34A and 50.	
The Mental Health Act 1959 (c. 72) section 3(4), Part IV, sections 64, 81, 85, 99, 133, 142 and 143 and Schedule 1.	The powers under section 39(1) and (4) and the powers of consent under sections 41 and 47 (being powers conferred by virtue of section 65(3)). The functions under sections 81 and 85 so far as relating to a patient subject to an order or direction restricting his discharge. The powers under section 99 other than the powers to direct transfers between hospitals in Wales.

SCH. 2

*Enactment**Excluded functions*

The Mental Health Act 1959—
cont.

The powers under sections 142 and 143 so far as exercisable otherwise than in relation to matters with respect to which the powers of the Assembly are exercisable.

The functions of the Lord Chancellor under Schedule 1.

The Health Visiting and Social Work (Training) Act 1962 (c.33) section 5.

The Children and Young Persons Act 1963 (c.37) sections 37, 39 and 45.

The Emergency Laws (Re-enactments and Repeals) Act 1964 (c.60) section 4 and Schedule 1 so far as applicable for the purposes of that section.

The Abortion Act 1967 (c.87).

The Health Services and Public Health Act 1968 (c.46).

The Local Government Grants (Social Need) Act 1969 (c.2).

The Children and Young Persons Act 1969 (c.54) sections 1, 11A, 19, 24 to 26, 27(3) and (5), 31, 35 to 37, 39, 40, 43, 45, 47, 48, 58, 63(1), (2), (4) and (5), 64, 64A and 65(1) and (2).

The Local Authority Social Services Act 1970 (c.42).

The functions under section 9.

The Chronically Sick and Disabled Persons Act 1970 (c.44) sections 17, 18(1) and (3) and 25 to 27.

The Employment of Children Act 1973 (c.24).

The National Health Service Reorganisation Act 1973 (c.32).

The powers under section 44.

The Nursing Homes Act 1975 (c.37).

The power of consent under section 11.

The Children Act 1975 (c.72).

The functions relating to Convention adoption orders under section 24.

The functions under sections 69, 98(1)(e), 107(1) and 108.

<i>Enactment</i>	<i>Excluded functions</i>	SCH. 2
<p>The Adoption Act 1976 (c.36) sections 3, 4, 5, 8, 9, 28(10) and 57.</p> <p>The National Health Service Act 1977 (c.49).</p>	<p>The functions under section 5(4) and (5).</p> <p>The functions under sections 6 and 7.</p> <p>The power under section 23(4).</p> <p>The powers under section 24 so far as relating to the Public Health Laboratory Service Board, and the power of consent under that section other than that of the Secretary of State.</p> <p>The power under section 27(5).</p> <p>The functions under sections 31 and 32.</p> <p>The functions under section 34 except the function of providing by regulations for the making and determination of appeals to the Assembly under section 33 and for persons to be informed of decisions on those appeals.</p> <p>The functions under section 37.</p> <p>The functions under sections 46, 47 and 49.</p> <p>The powers under section 57.</p> <p>The powers under section 84 so far as exercisable otherwise than in relation to matters with respect to which the powers of the Assembly are exercisable.</p> <p>The powers under section 85 so far as exercisable in relation to the Dental Estimates Board and the Medical Practices Committee.</p> <p>The powers under section 86 so far as exercisable otherwise than in relation to an Area Health Authority or a special health authority.</p> <p>The functions under sections 98 and 99 so far as exercisable in relation to the Dental Estimates Board.</p> <p>The powers under section 100.</p>	

SCH. 2

Enactment

The National Health Service Act
1977—*cont.*

Excluded functions

The powers under section 102 so far as exercisable in relation to the bodies referred to in subsection (1)(a).

The powers under section 104.

The powers under sections 107 and 108.

The functions under section 119.

The power under section 124(6).

The power of the Treasury under section 126(2) so far as relating to any power which remains exercisable by the Secretary of State.

The functions under section 127 so far as their exercise is incidental to functions which remain exercisable by a Minister of the Crown or relates to the bodies referred to in section 5(4) and 102(1)(a).

The power under paragraph 5 of Schedule 7 and, so far as exercisable in connection with any body established under that paragraph, the power under paragraph 6 of that Schedule.

The power under paragraph 1(3) of Schedule 10.

The powers under Schedule 13.

The power under paragraph 8 of Schedule 14.

PART VII

POLLUTION

Enactment

The Alkali, etc. Works Regulation Act 1906 (c.14).

The Public Health Act 1936 (c.49).

Excluded functions

The functions under sections 53 and 61 to 71.

The powers of consent under the proviso to section 143(3).

The powers under sections 291 and 340.

The power under section 341 except so far as exercisable in relation to land vested in or held for the purposes of the Assembly.

The Public Health (Drainage of Trade Premises) Act 1937 (c.40).

<i>Enactment</i>	<i>Excluded functions</i>	SCH. 2
The Radioactive Substances Act 1948 (c.37).	The functions under sections 2 and 5(2) and, so far as exercisable in relation to those functions, the functions under sections 7 and 9. The functions under section 5(1) (b) in relation to sites and premises mentioned in section 2(1) and (2) of the Radioactive Substances Act 1960.	
The Rivers (Prevention of Pollution) Acts 1951 to 1961.	The powers under section 6 of the Rivers (Prevention of Pollution) Act 1951 (c.64). The powers under section 9(6) of the Rivers (Prevention of Pollution) Act 1961 (c.50).	
The Clean Air Act 1956 (c.52).	The functions under section 22 so far as exercisable otherwise than in relation to land vested in or held for the purposes of the Assembly. The functions under section 23.	
The Radioactive Substances Act 1960 (c.34).	The functions under sections 6(1), 8 to 12 and 15 so far as exercisable in relation to premises mentioned in section 8(1) or radioactive waste on or from such premises. The functions under section 18 (6).	
The Clean Air Act 1968 (c.62). The Deposit of Poisonous Waste Act 1972 (c. 21.)		
The Health and Safety at Work, etc. Act 1974 (c. 37) sections 1(1)(d), 3(3), 5, 11, 12, 14, 15, 16, 18(2), 20(3), 27(1), 44, 45, 50 and 80.	The functions under those sections so far as exercisable in relation to matters other than the control of emissions into the atmosphere of noxious or offensive substances. The functions under those sections so far as exercisable in relation to the control of emissions from vehicles, aircraft or hovercraft. The power to prescribe vehicles, vessels, aircraft or hovercraft for the purposes of section 1(1)(d).	
The Control of Pollution Act 1974 (c. 40).	The functions under sections 21(2) and (5), 30(5) and 31(9).	

SCH. 2

*Enactment**Excluded functions*

The Control of Pollution Act 1974—*cont.*

The power under section 39(2) to issue a certificate.

The power to prescribe parts of the territorial sea for the purposes of the definition of "controlled waters" in section 56(1).

The functions under section 56(4).

The powers under section 70 to make regulations as to appeals to magistrates' courts.

The functions under sections 73(2)(a), 75 and 76.

The functions under section 80 except so far as exercisable in relation to premises used for the purposes of the Assembly and to its officers and servants.

The functions under sections 91(1), 92(5), 93(1), 96, 104, 108 and 109 except so far as exercisable in relation to matters with respect to which the powers of the Assembly are exercisable.

The powers under sections 100 to 103.

The Refuse Disposal (Amenity) Act 1978 (c. 3).

The power under section 13 so far as exercisable in relation to section 4(2).

PART VIII

LAND USE AND DEVELOPMENT

The Inclosure Acts 1845 to 1882.

The functions under section 12 of the Inclosure Act 1845 (c.118).

The Poor Allotments Management Act 1873 (c.19) section 9.

The Law of Commons Amendment Act 1893 (c.57).

The Commons Act 1899 (c.30).

The Allotments Acts 1908 to 1950.

The Commons Act 1908 (c.44).

The Law of Property Act 1925 (c.20) sections 193 and 194.

The Acquisition of Land (Authorisation Procedure) Act 1946 (c.49) sections 3 and 5 and paragraphs 10, 11 and 12 of Schedule 1.

The functions under section 3(1) so far as exercisable where the compulsory purchase order is or would be made or confirmed by a Minister of the Crown.

<i>Enactment</i>	<i>Excluded functions</i>	SCH. 2
The Acquisition of Land (Authorisation Procedure) Act 1946— <i>cont.</i>	The functions under section 3(4) so far as exercisable where the apparatus belongs to excepted statutory undertakers. The functions under section 5 so far as their exercise is incidental to functions which remain exercisable by a Minister of the Crown. The functions under paragraph 10 of Schedule 1 so far as exercisable in relation to excepted statutory undertakers.	
The Coast Protection Act 1949 (c.74).	The functions under sections 11(2)(b), 34 and 36. The functions under section 17(5) so far as exercisable in relation to excepted statutory undertakers, and the function conferred on the Treasury by section 17(8). The functions under section 32 except so far as exercisable in relation to land vested in or held for the purposes of the Assembly. The functions under section 46 except so far as exercisable in relation to matters with respect to which the powers of the Assembly are exercisable.	
The Town Development Act 1952 (c.54).		
The Opencast Coal Act 1958 (c.69) section 39(6).	The functions under that section so far as exercisable in relation to land of excepted statutory undertakers.	
The Town and Country Planning Act 1959 (c. 53), sections 23, 24, 26 and 27.	The functions under sections 23(2)(b) and (in a case within subsection (2)(b)), 26(2) so far as exercisable in relation to land acquired for purposes relating to matters listed in Schedule 5 to this Act.	
The Caravan Sites and Control of Development Act 1960 (c.62).	The function under paragraph 6 of Schedule 2, except so far as exercisable in relation to land vested in or held for the purposes of the Assembly.	

SCH. 2

*Enactment**Excluded functions*

The Land Compensation Act 1961 (c. 33) sections 18 and 37 and paragraph 2 of Schedule 2.	The powers under section 37 so far as their exercise is incidental to functions which remain exercisable by a Minister of the Crown.
The Public Health Act 1961 (c.64).	The functions under sections 4 to 9.
The Pipe-lines Act 1962 (c.58) section 13(7) and paragraph 8 of Schedule 2.	The functions under those provisions so far as exercisable in relation to land of excepted statutory undertakers.
The Harbours Act 1964 (c.40) Schedule 3, paragraph 6 and Schedule 5, paragraph 6.	The functions relating to certificates in respect of land of excepted statutory undertakers.
The Gas Act 1965 (c.36) Schedule 3, paragraphs 2 and 5 to 7.	
The New Towns Act 1965 (c.59).	The functions under section 10(3) so far as exercisable in relation to excepted statutory undertakers.
	The functions under sections 28 to 30 and Schedule 8 so far as exercisable by virtue of representations made by excepted statutory undertakers.
	The functions under sections 36, 37, 41, 42(3A) to (5) and 43 to 45.
	The functions exercisable in relation to the Commission for the New Towns under sections 42A and 46.
	The power of the Treasury under section 42A so far as relating to borrowing outside the United Kingdom or in a currency other than sterling.
	The powers under section 50 so far as their exercise is incidental to functions which remain exercisable by a Minister of the Crown.
	The functions under section 54(4) so far as exercisable by the Treasury or in relation to excepted statutory undertakers.
	The functions under Schedules 9 to 11.
The Commons Registration Act 1965 (c. 64) section 19.	The power to make regulations for the purposes specified in paragraphs (e) and (g) of subsection (1).

<i>Enactment</i>	<i>Excluded functions</i>	SCH. 2
<p>The Caravan Sites Act 1968 (c.52).</p>		
<p>The Town and Country Planning Act 1971 (c.78).</p>	<p>The function exercisable under section 40 in relation to authorisations granted by government departments.</p> <p>The functions conferred by sections 47, 48 and 49(4) and (7), so far as they relate to the reference to a Planning Inquiry Commission of a proposal that a government department should give a direction under section 40 or that development should be carried out by or on behalf of a government department.</p> <p>The functions under sections 67 to 70, 73 to 77 and 84.</p> <p>The functions under section 113 so far as exercisable otherwise than in connection with the part of the public service with respect to which the powers of the Assembly are exercisable.</p> <p>The function of deciding any question under section 206(6) where the appropriate authority is a government department or an excepted statutory undertaker.</p> <p>The function of making orders under section 232, so far as exercisable in relation to notices served by excepted statutory undertakers.</p> <p>The functions under sections 233 to 236 so far as exercisable by virtue of representations made by excepted statutory undertakers.</p> <p>The powers under section 254.</p> <p>The functions under sections 266 and 267, except so far as exercisable in relation to land belonging to or held for the purposes of the Assembly.</p> <p>The powers of the Treasury under section 266(7).</p>	

SCH. 2

Enactment

The Town and Country Planning Act 1971—cont.

The Town and Country Planning (Amendment) Act 1972 (c.42) section 10.

The Land Compensation Act 1973 (c. 26) sections 15(2), 20, 22(5), 41(2), 42(5), 51 and 72.

The Mobile Homes Act 1975 (c.49).

The Safety of Sports Grounds Act 1975 (c.52).

The Welsh Development Agency Act 1975 (c.70).

Excluded functions

The functions under sections 280, 282 and 284, so far as their exercise is incidental to functions which remain exercisable by a Minister of the Crown.

The function under section 281(6) in respect of land held by excepted statutory undertakers.

The functions under section 287 except so far as exercisable in relation to matters with respect to which the powers of the Assembly are exercisable.

The function conferred on the Treasury by section 290(2) and the power under that provision to determine whether land is operational land of an excepted statutory undertaker.

The function under paragraph 4(2) of Schedule 20, so far as exercisable in relation to excepted statutory undertakers.

The function under paragraph 84 of Schedule 24.

The power under section 1(9) to give directions as to the function described in section 1(3)(e).

The functions under section 3 of the Minister of Overseas Development.

The functions under sections 12 and 13.

The functions under section 14 except so far as exercisable in relation to property held by or on behalf of the Assembly or by a company all of whose shares are so held or by a wholly owned subsidiary of such a company.

<i>Enactment</i>	<i>Excluded functions</i>	SCH. 2
<p>The Welsh Development Agency Act 1975—<i>cont.</i></p>	<p>The functions under section 19(7) and (8).</p> <p>The function under section 23(5) so far as exercisable in relation to excepted statutory undertakers.</p> <p>The function under section 26 except so far as exercisable in relation to land vested in or held for the purposes of the Assembly.</p> <p>The functions under Schedule 2.</p> <p>The power of the Treasury under paragraph 3 of Schedule 3 so far as relating to borrowing outside the United Kingdom or in a currency other than sterling.</p> <p>The powers under paragraph 6 of Schedule 3.</p>	
<p>The Community Land Act 1975 (c.77).</p>	<p>The functions under section 3.</p> <p>The functions under section 5(1)(c) and (4)(b).</p> <p>The functions under section 5(3) and (5) so far as exercisable in relation to excepted statutory undertakers.</p> <p>The functions of the Treasury under section 5(5).</p> <p>The powers under section 7.</p> <p>The powers of the Treasury under section 10(1) to (3) so far as relating to borrowing outside the United Kingdom or in a currency other than sterling.</p> <p>The powers under section 11.</p> <p>The function of varying or revoking any order made by the Secretary of State under section 18.</p> <p>The function of making, or consenting to the making of, orders under section 26(3).</p> <p>The powers under section 37, except so far as exercisable in connection with the part of the public service with respect to which the Assembly exercises functions or in relation to land held by the Assembly.</p>	

SCH. 2

Enactment

The Community Land Act 1975
—*cont.*

The New Towns (Amendment)
Act 1976 (c.68).

The Development of Rural Wales
Act 1976 (c.75).

Excluded functions

The functions under section 39, except so far as exercisable in relation to land vested in or held for the purposes of the Assembly.

The functions under section 40, except so far as exercisable in relation to the acquisition from the Assembly of any interest in land.

The functions under sections 43 and 44 (except section 44(4)).

The functions exercisable under paragraph 19 of Schedule 4 in relation to the apparatus of excepted statutory undertakers.

The functions under paragraph 21(6)(b) of Schedule 4 of authorising works on land held by excepted statutory undertakers.

The functions under sections 13(4) and 14.

The powers under section 1(2) to (4) and (8).

The functions of the Minister of Overseas Development under section 7.

The powers of the Treasury under section 9 so far as relating to borrowing outside the United Kingdom or in a currency other than sterling.

The functions under section 10.

The functions under section 15(6) so far as exercisable in relation to excepted statutory undertakers.

The functions under section 30, except so far as exercisable in relation to land belonging to or held for the purposes of the Assembly.

The functions under paragraph 16(3) of Schedule 3, so far as exercisable in relation to excepted statutory undertakers.

The functions under paragraphs 46 to 50 of Schedule 3 so far as exercisable by virtue of representations made by excepted statutory undertakers.

<i>Enactment</i>	<i>Excluded functions</i>	SCH. 2
The Development of Rural Wales Act 1976— <i>cont.</i>	The powers under paragraph 53 of Schedule 3 so far as their exercise is incidental to functions which remain exercisable by a Minister of the Crown. The functions under paragraph 56(2) of Schedule 3, so far as exercisable in relation to land of excepted statutory undertakers. The functions under paragraph 56(5) of Schedule 3.	
The Inner Urban Areas Act 1978 (c.50) section 1, section 2(4)(b) as applied by section 9, section 3(2) as applied by section 5(3), sections 7, 8, 9(6) and 12, and paragraph 2 of the Schedule.		

PART IX

WATER AND LAND DRAINAGE

<i>Enactment</i>	<i>Excluded functions</i>
The Agriculture (Miscellaneous War Provisions) Act 1940 (c.14) section 15(1).	
The Rural Water Supplies and Sewerage Acts 1944 to 1955. The Water Acts 1945 and 1948.	The functions under those Acts so far as exercisable in relation to statutory water companies. The power of the Attorney General to give consent under section 46 of the Water Act 1945 (c.42).
The Water Resources Acts 1963 to 1971.	The functions under paragraphs (a) and (b) of section 82(1) of the Water Resources Act 1963 (c.38) and, in so far as exercisable in relation to those paragraphs, the functions under section 106 of and Schedule 10 to that Act. The functions under section 91(3) of that Act. The powers under section 111(2) so far as their exercise is incidental to functions which remain exercisable by a Minister of the Crown.

SCH. 2

<i>Enactment</i>	<i>Excluded functions</i>
<p>The Water Act 1973 (c.37).</p> <p>The Reservoirs Act 1975 (c.23).</p> <p>The Drought Act 1976 (c.44).</p> <p>The Land Drainage Act 1976 (c.70).</p>	<p>The powers under sections 2(5), 5 and 8(3)(a).</p> <p>The functions under section 4.</p> <p>The functions under section 12(4), (5) and (6).</p> <p>The powers under section 13(4) so far as exercisable in relation to statutory water companies.</p> <p>The powers under section 17(5).</p> <p>The functions under section 27.</p> <p>The functions under paragraphs 4, 5, 7 and 14 to 19 of Schedule 2.</p> <p>The functions under Part II of Schedule 3.</p> <p>The functions under Part III of that Schedule so far as exercisable in relation to the National Water Council.</p> <p>The power of the Treasury under paragraph 34 of that Schedule, so far as relating to borrowing outside the United Kingdom or in a currency other than sterling.</p> <p>The functions under paragraphs 34(5) and 36 of that Schedule.</p> <p>The power under section 27.</p> <p>The functions under sections 42 and 64.</p> <p>The functions under sections 95 and 96 and Schedule 3 so far as their exercise is incidental to functions which remain exercisable by a Minister of the Crown.</p> <p>The power under section 115(2)(c)(ii).</p> <p>The power under section 115(2)(c)(iii) so far as exercisable otherwise than in relation to land belonging to the Assembly.</p>

PART X

FRESHWATER FISHERIES

<i>Enactment</i>	<i>Excluded functions</i>
<p>The Salmon and Freshwater Fisheries Act 1975 (c.51).</p>	<p>The functions under section 38.</p>

PART XI

SCH. 2

COUNTRYSIDE

<i>Enactment</i>	<i>Excluded functions</i>
The National Parks and Access to the Countryside Act 1949 (c.97) Parts II, IV, V and VI.	The functions under section 31(2). The functions under Part VI so far as relating to the functions of the Nature Conservancy Council under Part III. The functions under section 101 except so far as exercisable in relation to land vested in or held for the purposes of the Assembly.
The Countryside Act 1968 (c.41).	The functions under section 47 except so far as exercisable in relation to land vested in or held for the purposes of the Assembly.

PART XII

ANCIENT MONUMENTS AND HISTORIC BUILDINGS

<i>Enactment</i>	<i>Excluded functions</i>
The Ancient Monuments Acts 1913 to 1974.	
The Historic Buildings and Ancient Monuments Act 1953 (c.49) Part I.	The functions under section 7.
The Coal-Mining (Subsidence) Act 1957 (c.59) section 9.	
The Civic Amenities Act 1967 (c. 69) section 4(2).	The powers under that provision so far as exercisable in relation to loans made by a Minister of the Crown.

PART XIII

TOURISM

<i>Enactment</i>	<i>Excluded functions</i>
The Development of Tourism Act 1969 (c.51).	The functions under that Act so far as exercisable otherwise than in relation to the Wales Tourist Board and hotels and other establishments in Wales. The functions under Part II and, so far as they relate to grants or loans under that Part, sections 19 and 20.

SCH. 2

PART XIV

TRANSPORT

Enactment

The Civil Aviation Act 1949 (c.67) Part III and section 56.
The Transport Charges, &c. (Miscellaneous Provisions) Act 1954 (c.64) section 6.

The Road Traffic Act 1960 (c.16) sections 120, 121, 123, 125(2), 143, 149, 155, 159 and 160.

The Civil Aviation Act 1968 (c.61) sections 1, 2, 3(2) and (4), 4, 6(5), 8(1) and 12(1) and (3).

The Transport Act 1968 (c.73) Part II and sections 56, 57, 112, 113, 135(1)(d) and 158.

The Civil Aviation Act 1971 (c.75) sections 29(7) and (8) and 29A.

Excluded functions

The functions under section 37.

The power under subsection (1).
The functions under that section so far as exercisable in relation to undertakings other than inland waterway undertakings.

The functions under sections 120, 143, 155, 159 and 160 so far as exercisable in relation to matters other than road service licences and permits under section 30 of the Transport Act 1968.

The functions under sections 121, 123 and 125(2), so far as exercisable in relation to the chairman of the Commissioners or his deputy.

The power under section 160 so far as exercisable for the purposes of section 5 of the Transport Act 1978 (c.55).

The functions under sections 2, 3(2) and 4(2) so far as exercisable in relation to byelaws made by virtue of section 8 of the Civil Aviation Act 1978 (c.8).

The functions under sections 17(3) and 20(6).

The powers under section 112 so far as exercisable in relation to a canal forming part of a harbour.

The powers under section 113 so far as exercisable in relation to a waterway forming part of a harbour or owned or managed by excepted statutory undertakers.

The powers under section 158 so far as their exercise is incidental to functions which remain exercisable by a Minister of the Crown.

<i>Enactment</i>	<i>Excluded functions</i>	SCH. 2
The Railways Act 1974 (c.48) section 8.		
The Passenger Vehicles (Experimental Areas) Act 1977 (c. 21).		
The Minibus Act 1977 (c. 25).	The power under section 1(3) except so far as exercisable in connection with the grant of permits in respect of vehicles ordinarily kept in Wales.	
	The functions under section 3 except the power under subsection (1) to prescribe the matters to be taken into account in determining the conditions of permits granted in respect of vehicles ordinarily kept in Wales.	
The Transport Act 1978 (c.55) section 3(5)(b).		

PART XV

HIGHWAYS

<i>Enactment</i>	<i>Excluded functions</i>
The Highways and Locomotives (Amendment) Act 1878 (c.77).	
The Locomotives Act 1898 (c.29).	
The Ministry of Transport Act 1919 (c.50) sections 11 and 20.	
The Ferries (Acquisition by Local Authorities) Act 1919 (c.75).	The functions of the Secretary of State under section 3.
The Roads Act 1920 (c.72) section 3.	
The Trunk Roads Act 1936 (1 Edw. 8 & 1. Geo 6 c.5).	
The War Damage Act 1943 (c.21) section 71.	
The Requisitioned Land and War Works Act 1945 (c.43) sections 15 to 20 and 52.	
The Requisitioned Land and War Works Act 1948 (c.17) section 3.	
The Public Utilities Street Works Act 1950 (c.39).	The functions under section 4 (8). The functions under section 22 (2) (iii).
	The functions under section 30 (2).
The Parish Councils Act 1957 (c.42) section 5.	

SCH. 2

<i>Enactment</i>	<i>Excluded functions</i>
The Land Powers (Defence) Act 1958 (c.30) sections 9(1) to (3) and 21.	The powers under section 21 so far as their exercise is incidental to functions which remain exercisable by a Minister of the Crown.
The Highways Act 1959 (c.25).	The function of the Secretary of State under section 6 so far as exercisable in relation to a bridge part of which is in a county in England and part in a county in Wales. The function under section 12 (3). The function of making determinations under section 113 (4) in relation to excepted statutory undertakers. The functions under sections 136(7) and 271. The function of the Treasury under section 198(2) of fixing interest rates. The functions under section 279 except so far as exercisable in relation to matters with respect to which the powers of the Assembly are exercisable. The functions under section 287 except so far as exercisable in relation to land vested in or held for the purposes of the Assembly.
The Highways (Miscellaneous Provisions) Act 1961 (c.63).	
The Highways Act 1971 (c.41).	The function under section 65(7) so far as exercisable in relation to excepted statutory undertakers.

PART XVI

ROAD TRAFFIC

<i>Enactment</i>	<i>Excluded functions</i>
The Road Traffic Regulation Act 1967 (c.76).	The powers under section 13, except the powers to make regulations with respect to particular special roads. The powers under section 23, except the powers to make regulations applying to particular crossings.

<i>Enactment</i>	<i>Excluded functions</i>	SCH. 2
The Road Traffic Regulation Act 1967— <i>cont.</i>	<p>The power to make regulations under section 54, except the power to prescribe a variant of any sign of a type prescribed by regulations made by a Minister of the Crown and carrying words in English, being a variant identical with a sign of that type except for the substitution or addition of words in Welsh (and any increase in size needed to accommodate the substituted or added words).</p> <p>The power under section 55(1) to give general directions other than directions as to the placing of signs of a type prescribed by regulations made by the Assembly under section 54.</p> <p>The powers under sections 59 and 71.</p> <p>The powers under section 77, except so far as they relate to speed limits on any road specified in an order or on all roads in any area so specified.</p> <p>The functions under sections 78, 80, 81, 95, 96, 97, 99, 101, 103 and 104(1B).</p>	
The Road Traffic Act 1972 (c.20) sections 15, 20, 26, 31 (5), 36A(3A), 36B(4), 38 and 39.		
The Road Traffic Act 1974 (c.50) section 17.		

PART XVII

REGISTRATION SERVICES

<i>Enactment</i>	<i>Excluded functions</i>
The Marriages Validity (Provisional Orders) Acts 1905 and 1924.	
The Census Act 1920 (c.41) section 2(2).	The functions under that section so far as exercisable otherwise than in relation to the duty imposed by section 5.
The Births and Deaths Registration Act 1926 (c.48) section 12.	The power to concur in regulations not exclusively made in connection with burials in Wales or the notification of registrars in Wales.

<i>Enactment</i>	<i>Excluded functions</i>
The Population (Statistics) Act 1938 (c.12) section 2(2).	
The Marriage Act 1949 (c.76) section 74.	The power to approve regulations not exclusively made in connection with marriages in Wales or notices given to, or certificates or licences issued by, persons in Wales.
The Births and Deaths Registration Act 1953 (c.20) section 39.	The power to approve regulations made for the purposes of section 3A or 14 and regulations not exclusively made in connection with births or deaths in Wales or registration in Wales.
The Registration Service Act 1953 (c.37) sections 10(3), 14, 19 and 20(a), (b) and (d).	The power under section 20 to approve regulations not exclusively made in connection with the registration service in Wales.
The Marriage (Registrar General's Licence) Act 1970 (c.34) section 18.	The power to approve regulations not exclusively made in connection with marriages in Wales.

PART XVIII

GENERAL

<i>Enactment</i>	<i>Excluded functions</i>
The Commissioners of Works Act 1852 (c.28) section 2.	The functions under that section so far as exercisable otherwise than in connection with the part of the public service with respect to which the powers of the Assembly are exercisable.
The Tribunals and Inquiries Act 1971 (c.62) sections 5(1) and 12.	The functions under section 5(1) so far as they relate to appointments not made by the Assembly. The functions under section 12 so far as they relate to decisions taken by Ministers of the Crown. The powers under section 12(6).

SCHEDULE 3

Section 9(2).

ENACTMENTS CONFERRING POWERS EXERCISABLE CONCURRENTLY

- The Commissioners of Works Act 1852 (c.28) section 2.
 The Requisitioned Land and War Works Act 1945 (c.43) section 52.
 The Historic Buildings and Ancient Monuments Act 1953 (c.49) sections 4 to 6.
 The Transport Act 1968 (c.73) section 57.
 The Local Authorities (Goods and Services) Act 1970 (c.39) section 1(5).
 The Civil Aviation Act 1971 (c.75) section 29(7) and (8).
 The Town and Country Planning Act 1971 (c.78) section 113.
 The Local Government Act 1972 (c.70) section 177(1)(f) and (2)(c).
 The Community Land Act 1975 (c.77) sections 18 and 37.
 The Inner Urban Areas Act 1978 (c.50) paragraph 2 of the Schedule.

SCHEDULE 4

Section 36(1).

POWERS EXERCISABLE ONLY WITH CONSENT OF A
MINISTER OF THE CROWN

<i>Enactment</i>	<i>Powers</i>
The Public Health Act 1936 (c. 49) sections 2 and 6.	All powers under the sections.
The Public Health Act 1936 (c.49) section 143.	The power to make regulations for the purposes specified in paragraphs (b) and (c) of subsection (1).
The Coast Protection Act 1949 (c. 74) sections 5 and 8.	The powers exercisable under subsections (4) and (5) where notice of objection is served by excepted statutory undertakers.
The Coast Protection Act 1949 (c. 74) section 17.	The powers exercisable under subsection (4) where the undertakers are excepted statutory undertakers.
The New Towns Act 1965 (c. 59) section 10(5).	The power to make an order in respect of land of excepted statutory undertakers.
The New Towns Act 1965 (c.59) sections 26(5), 26(6) and 28(4).	The powers to make orders in respect of the rights or apparatus, or powers and duties, of excepted statutory undertakers.
The Town and Country Planning Act 1971 (c.78) sections 230(4) and (5) and 233(4).	The powers to make orders in respect of the rights or apparatus, or powers and duties, of excepted statutory undertakers.
The Town and Country Planning Act 1971 (c.78) section 237(4).	The powers relating to excepted statutory undertakers.
The Town and Country Planning Act 1971 (c.78) section 273.	All powers under the section.
The Control of Pollution Act 1974 (c.40) section 39(2).	The power to make a determination.

SCH. 4

<i>Enactment</i>	<i>Powers</i>
The Community Land Act 1975 (c.77) Schedule 4, paragraph 17.	The powers to make orders in respect of the rights or apparatus of excepted statutory undertakers.
The Land Drainage Act 1976 (c. 70) section 23.	The power of approval under subsection (2).
The Development of Rural Wales Act 1976 (c.75) Schedule 3, paragraphs 44(6) and (7) and 46(4).	The powers to make orders in respect of the rights or apparatus, or powers and duties, of excepted statutory undertakers.
The Inner Urban Areas Act 1978 (c.50) section 8.	All powers under the section.

Section 36(2)
etc.

SCHEDULE 5

RESERVED LOCAL MATTERS

Police (including police houses).	Building regulations.
Diseases of animals.	Offices, shops and railway premises.
Plant health.	Factory inspection.
Animal keeping, breeding and welfare.	Protection of birds.
Smallholdings.	Civil defence.
Food, drugs and medicines.	Fertilisers and feedingstuffs.
Electoral registration.	Careers service.
Slaughter of animals.	Sheltered employment.
Consumer protection (including weights and measures).	Motor and oil fuel standards.
Rodent control.	Services and facilities for magistrates' courts.
Traffic wardens.	Probation and after-care.
Control of filling materials (rag flock, etc.).	Appointment of coroners.
Statutory harbour undertakings.	Mandatory awards to students.
	Petroleum spirit licensing.

Sections 55(2)
and 56.

SCHEDULE 6

ENACTMENTS AUTHORISING THE LENDING OF MONEY

The New Towns Act 1965 (c.59).
The Transport Act 1968 (c.73).
The Water Act 1973 (c.37).
The Housing Act 1974 (c.44).
The Welsh Development Agency Act 1975 (c.70).
The Community Land Act 1975 (c.77), Part II.
The Development of Rural Wales Act 1976 (c.75).

Section 59.

SCHEDULE 7

PUBLIC BODIES

PART I

<i>Name of Body</i>	<i>Constituting enactment</i>
The Housing Corporation.	The Housing Act 1964 (c.56) section 1.
The Severn-Trent Water Authority.	The Water Act 1973 (c.37) section 2.
The Welsh Water Authority.	The Water Act 1973 (c.37) section 2.

PART II

SCH. 7

<i>Name of Body</i>	<i>Constituting enactment</i>
The Advisory Council on Child Care.	The Children Act 1948 (c.43) section 43.
The Advisory Committee on Rent Rebates and Rent Allowances.	The Housing Finance Act 1972 (c.47) section 23.
The British Waterways Board.	The Transport Act 1962 (c.46) section 1.
The Central Fire Brigades Advisory Council for England and Wales.	The Fire Services Act 1947 (c.41) section 29.
The Central Health Services Council and standing advisory committees.	The National Health Service Act 1977 (c.49) section 6.
The Clean Air Council.	The Clean Air Act 1956 (c.52) section 23(1).
The Council on Tribunals.	The Tribunals and Inquiries Act 1971 (c.62) section 1.
The Dental Estimates Board.	The National Health Service Act 1977 (c.49) section 37.
The Fire Service College Board.	The Fire Services Act 1947 (c.41) section 23(2).
The General Practice Finance Corporation.	The National Health Service Act 1966 (c.8) section 1.
The Health Services Board and the Welsh Committee of that Board.	The Health Services Act 1976 (c.83) section 1.
The Housing Association Registration Advisory Committee.	The Housing Act 1974 (c.44) section 14.
The Inland Waterways Amenity Advisory Council.	The Transport Act 1968 (c.73) section 110.
The Medical Practices Committee.	The National Health Service Act 1977 (c.49) section 7.
The National Water Council.	The Water Act 1973 (c.37) section 4.
The New Towns Staff Commission.	The New Towns (Amendment) Act 1976 (c.68) section 14.
The Public Health Laboratory Service Board.	The National Health Service Act 1977 (c.49) section 5.

SCHEDULE 8

Section 63.

WATER

PART I

ENACTMENTS CONFERRING POWERS DEEMED TO BE
EXERCISABLE WHOLLY IN ENGLAND OR WHOLLY IN WALES

- The Water Act 1973 (c.37) sections 2(4), 3(1), (2), (3) and (9) and 29 to 31 and Schedule 3 paragraph 11.
- The Control of Pollution Act 1974 (c.40) section 52.
- The Land Drainage Act 1976 (c. 70) sections 2, 3(1) to (8), 4, 23, 49(1)(b), 60(5), 62 and 94 and Schedule 1.

SCH. 8

PART II

INTERVENTION BY SECRETARY OF STATE

1. In any case where—

- (a) a power under any enactment specified in Part III or Part IV of this Schedule is capable of being or has been exercised by the Assembly ; and
- (b) it appears to the Secretary of State that the condition stated in paragraph 2 below is satisfied,

the Secretary of State may intervene in accordance with the following provisions of this Schedule ; and in any case in which he does so the same consequences shall follow, subject to the following provisions of this Schedule, as if the power were not exercisable by the Assembly ; and the power shall be exercisable by the Secretary of State accordingly, and any previous exercise of it by the Assembly shall be of no effect except to the extent, if any, that it is saved under paragraph 4 below.

2. The condition referred to in paragraph 1 above is—

- (a) where the power is one conferred by an enactment specified in Part III of this Schedule, that the intervention is required in the interests of the national policy for water in England and Wales ; and
- (b) where the power is one conferred by an enactment specified in Part IV of this Schedule, that the intervention is required for the protection of such interests with respect to land or water in England as are specified in paragraph 3 below.

3.—(1) The interests referred to in paragraph 2(b) above are—

- (a) the interests of any person as the owner, lessee or occupier of land in England which is covered by or contiguous to an inland water ;
- (b) the interests of any person as the owner of fishing rights in respect of an inland water in England ;
- (c) the interests of any person as the holder of a licence under the Water Resources Act 1963 to abstract water in England ; and
- (d) the interests of persons entitled to a public right of fishing in tidal waters and parts of the sea in England or adjoining the coast of England.

(2) In this paragraph expressions defined in section 135 of the Water Resources Act 1963 have the same meaning as in that Act and “ fishing rights ” has the same meaning as in section 47 of that Act.

4. An intervention by the Secretary of State under this Schedule shall be made by notice published in the London Gazette ; and the notice may save the whole or part of the effect of any steps previously taken, whether by the Assembly or by other persons, and may extend the time for the taking of any steps by the Secretary of State or any other persons, whether or not the time for taking them would otherwise have expired at the time the notice is published.

5. Where the Secretary of State has made an intervention in a case he shall, in addition to the notice under paragraph 4 above, give notice of the intervention to the Assembly and the water authority concerned and publish a further notice in two successive weeks in one or more local newspapers circulating in the area concerned; and the Assembly shall give notice of the intervention to any person who has previously been given notice of any steps taken or proposed to be taken in the case.

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6. A notice under paragraph 4 or 5 above shall state the reason for the Secretary of State's intervention and shall further state that, before determining how to exercise any power which, but for the intervention, would be exercisable by the Assembly, he will consider representations in writing received by him within a time specified in the notice which, if the powers to be exercised are or include powers under the Drought Act 1976, shall be not less than one week from the first publication in pursuance of paragraph 5 above of the further notice mentioned therein and, in any other case, shall be not less than three weeks from that publication. 1976 c. 44.

7. Where a notice under paragraph 4 above saves the whole or part of any steps previously taken, the Assembly shall, if requested to do so by the Secretary of State, supply him with the documents or copies of the documents by which any of the steps were taken; and if any person has, in connection with such a step, exercised a right to be heard the Secretary of State shall, if so requested by that person within the time limited by the notice, give him an opportunity to be heard by a person appointed by the Secretary of State.

8. Where it appears to a water authority whose area lies wholly or partly in England that circumstances exist which would enable the Secretary of State to intervene under paragraph 1 above, the water authority may make application to the Secretary of State, requesting him to intervene under that paragraph.

9. An application under paragraph 8 above shall be made by notice published in the London Gazette and not later than the date on which the notice is published the water authority shall give notice of the application to the Secretary of State and the Assembly.

10. A notice under paragraph 9 above shall state the reason for requesting the Secretary of State's intervention.

11. If upon considering an application under paragraph 8 above, the Secretary of State decides not to intervene under paragraph 1 above, he shall publish his decision and his reason for it by notice in the London Gazette.

12.—(1) The Secretary of State may cause a local inquiry to be held for the purposes of this Part of this Schedule, and subsections (2) to (5) of section 250 of the Local Government Act 1972 shall apply to any such inquiry subject to any necessary modifications and, in particular, with the substitution in subsection (4) for the reference to a local authority of a reference to a water authority. 1972 c. 70.

(2) The Assembly shall, if requested by the Secretary of State, make available to him the services of any of its officers for the purposes of any inquiry under this paragraph.

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PART III**ENACTMENTS CONFERRING POWERS SUBJECT TO INTERVENTION
UNDER NATIONAL POLICY FOR ENGLAND AND WALES**

The Water Act 1945 (c.42) sections 9, 12(5), 13, 23 and 24, so much of Schedule 1 as relates to orders under any of those sections, and Schedule 2.

The Water Act 1948 (c.22) section 8.

The Water Resources Act 1963 (c.38) sections 21, 25, 38, 65 to 67 and 108, and so much of Schedules 7 and 8 as relates to orders under any of those sections.

The Water Resources Act 1971 (c.34) section 1.

The Water Act 1973 (c.37) so much of Part II of Schedule 4 as relates to orders under sections 12(5) and 13 of the Water Act 1945.

The Drought Act 1976 (c.44).

PART IV**ENACTMENTS CONFERRING POWERS SUBJECT TO INTERVENTION
FOR PROTECTION OF INTERESTS IN ENGLAND**

The Water Act 1945 (c.42) sections 10, 12(5), 18, 19, 23 and 33 and so much of Schedule 1 as relates to orders under any of those sections.

The Water Resources Act 1963 (c.38) sections 21, 39, 40, 44, 47, 72, 74, 78, 82 and 108, and so much of Schedule 7 as relates to statements or draft statements under sections 19 to 21.

The Water Resources Act 1971 (c.34) section 1.

The Control of Pollution Act 1974 (c.40) sections 35, 37, 39, 42, 49, 51 and 97.

The Salmon and Freshwater Fisheries Act 1975 (c.51) sections 26 and 28 and Schedule 3.

The Drought Act 1976 (c.44).

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SCHEDULE 9**INTERVENTION BY SECRETARY OF STATE IN PLANNING MATTERS****PART I****POWERS AFFECTED**

1971 c. 78. The powers exercisable under or by virtue of any of the following provisions of the Town and Country Planning Act 1971—

sections 35 to 37,

section 45,

section 51,

section 88,

section 95,

section 276 so far as it relates to sections 45, 51, 87 and 90, except the powers under sections 35 and 95 to give directions in relation to applications other than particular applications.

PART II

SCH. 9

POWERS OF SECRETARY OF STATE

1. The Secretary of State may intervene in accordance with the following provisions of this Schedule in any case where—

- (a) action is being or is capable of being taken by the Assembly in the exercise of a power specified in Part I of this Schedule ; and
- (b) it appears to the Secretary of State that any action so taken would or might affect, directly or indirectly, any matter which concerns Wales (whether or not it also concerns any other part of the United Kingdom) but with respect to which the Assembly has no power to act, and that it is desirable in the public interest that he should intervene.

2. Where the Secretary of State intervenes in a case under this Schedule—

- (a) no action (or no further action) shall be taken in the case by the Assembly ;
- (b) any action previously taken in the case, whether by the Assembly or by any other person, shall be of no effect except to the extent (if any) that contrary provision is made in accordance with paragraph 4 below ; and
- (c) the Secretary of State shall in relation to the case have all the powers and duties that the Assembly would have if the Secretary of State had not intervened and no action (except action the effect of which is saved in accordance with paragraph 4 below) had previously been taken in the case.

3. An intervention by the Secretary of State under this Schedule shall be made by notice published in the London Gazette.

4. A notice under paragraph 3 above of an intervention by the Secretary of State in a case may save the whole or part of the effect of any action previously taken, whether by the Assembly or by any other person, and may extend the time for the taking of any action by the Secretary of State or any other person, whether or not the time for taking it would otherwise have expired at the time the notice is published.

5. Where the Secretary of State has intervened in a case he shall, in addition to the notice under paragraph 3 above, give notice of the intervention—

- (a) to the Assembly,
- (b) to any local planning authority concerned, and
- (c) to any person who has previously been given notice of any action taken or proposed to be taken in the case ;

and he shall also publish a notice in two successive weeks in one or more local newspapers circulating in the area concerned.

6.—(1) Before he determines an application or appeal or confirms or makes an order in a case in which he has intervened under this

SCH. 9 Schedule, the Secretary of State shall afford to the Assembly an opportunity of making representations at a hearing before a person appointed by the Secretary of State.

1971 c. 78. (2) Sub-paragraph (1) above does not apply to an intervention in relation to the powers exercisable under or by virtue of section 276(5) of the Town and Country Planning Act 1971 ; but before exercising those powers in any case the Secretary of State shall consult the Assembly.

7.—(1) A notice under paragraph 3 or 5 above shall state the reason for the Secretary of State's intervention.

(2) Section 283 of the Town and Country Planning Act 1971 shall apply to notices given under paragraph 5 above as it applies to notices under that Act.

8.—(1) Where the Secretary of State has intervened, or is considering whether to intervene, in a case under this Schedule, he may require the Assembly or any local planning authority concerned to supply him with information or copies of documents relating to the case.

(2) The Secretary of State may require the Assembly to make available to him the services of any of its officers for the purposes of any local inquiry held in respect of a case in which the Secretary of State has intervened under this Schedule.

9.—(1) The Secretary of State may by order require such local planning authorities as may be prescribed by or under the order to give him such information as may be so prescribed with respect to applications for planning permission made to them (including information as to the manner in which any such application has been dealt with) and with respect to proposals for the development by them of land in respect of which they are the local planning authority.

(2) A statutory instrument containing an order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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SCHEDULE 10

POWERS OF ASSEMBLY TO MAKE OR CONFIRM ORDERS SUBJECT TO SPECIAL PARLIAMENTARY PROCEDURE

<i>Enactment conferring power</i>	<i>Circumstances in which S.P.P. applies or may apply</i>
The Coast Protection Act 1949 (c.74) sections 2, 18 and 31.	If objection is made by excepted statutory undertakers.
The Public Utilities Street Works Act 1950 (c.39) Schedule 6, paragraph 1.	If objection is made by excepted statutory undertakers.

<i>Enactment conferring power</i>	<i>Circumstances in which S.P.P. applies or may apply</i>	SCH. 10
The Highways Act 1959 (c.25) sections 7, 9, 11, 13 and 20.	If objection is made by a person authorised by any enactment (within the meaning of that Act) to work, maintain, conserve, improve or control any estuary, harbour or dock.	
The Highways Act 1959 (c.25) sections 28, 110 and 111.	If objection is made by excepted statutory undertakers.	
The Highways (Miscellaneous Provisions) Act 1961 (c.63) section 3.	If objection is made by a person authorised by any enactment (within the meaning of that Act) to work, maintain, conserve, improve or control any estuary, harbour or dock.	
The New Towns Act 1965 (c.59) sections 7, 8 and 10(5).	If exercised in relation to land of excepted statutory undertakers or land held by a local authority (or by a body formed by local authorities) for the purposes of any of the matters listed in Schedule 5 to this Act.	
The New Towns Act 1965 (c.59) sections 26 and 28.	If exercised in relation to the rights or apparatus, or powers and duties, of excepted statutory undertakers.	
The Highways Act 1971 (c.41) section 1.	If objection is made by a person authorised by any enactment (within the meaning of that Act) to work, maintain, conserve, improve or control any estuary, harbour or dock.	
The Town and Country Planning Act 1971 (c.78) section 233.	If exercised in relation to the powers and duties of expected statutory undertakers.	
The Town and Country Planning Act 1971 (c.78) Schedule 20 paragraph 3.	If objection is made by excepted statutory undertakers.	
The Land Drainage Act 1976 (c.70) sections 11(4) and 88(1).	If the order is opposed by a harbour authority or conservancy authority.	
The Land Drainage Act 1976 (c.70) section 62.	All circumstances.	
The Development of Rural Wales Act 1976 (c.75) section 6(2)(a) and paragraphs 2 and 16 of Schedule 3.	If exercised in relation to land of excepted statutory undertakers or land held by a local authority (or by a body formed by local authorities) for the purposes of any of the matters listed in Schedule 5 to this Act.	

SCH. 10	<i>Enactment conferring power</i>	<i>Circumstances in which S.P.P. applies or may apply</i>
	The Development of Rural Wales Act 1976 (c.75) Schedule 3, paragraphs 44 and 46.	If exercised in relation to the rights or apparatus, or powers and duties, of excepted statutory undertakers.
	Any enactment conferring power to make or confirm a compulsory purchase order.	If exercised in relation to land held inalienably by the National Trust.

Section 75.

SCHEDULE 11

AMENDMENTS OF ENACTMENTS

THE BURIAL ACTS 1853, 1855 AND 1857

- 1.—(1) The powers conferred on Her Majesty in Council by—
- | | |
|--------------|---|
| 1853 c. 134. | (a) section 1 of the Burial Act 1853 ; |
| 1855 c. 128. | (b) section 1 of the Burial Act 1855 ; |
| 1857 c. 81. | (c) section 10 of the Burial Act 1857 ; |
| | (d) section 23 of the Burial Act 1857 ; |

shall as regards Wales be exercisable instead by the Assembly by order made by statutory instrument ; and except where the context otherwise requires references in any enactment to Orders in Council made under any of those sections shall be construed as including references to orders so made by the Assembly.

(2) The provisions of section 1 of the Burial Act 1853 and sections 10 and 23 of the Burial Act 1857 concerning representations shall not have effect in relation to orders of the Assembly ; but the like notices shall be given of a proposal that an order be made by the Assembly under any of those sections as is required in the case of a representation under that section.

1913 c. 32.

THE ANCIENT MONUMENTS CONSOLIDATION AND AMENDMENT ACT 1913

2. The powers conferred on Her Majesty in Council by section 14(4) and 15(2) of the Ancient Monuments Consolidation and Amendment Act 1913 shall in relation respectively to monuments in Wales and the Ancient Monuments Board for Wales be exercisable instead by the Assembly by order made by statutory instrument ; but the Assembly shall not charge a committee with the exercise of its powers under section 15(2).

1926 c. 48.

THE BIRTHS AND DEATHS REGISTRATION ACT 1926

3. In prescribing anything for the purposes of section 1 of the Births and Deaths Registration Act 1926, the Registrar General may make separate provision in connection with burials in Wales and burials in England ; and in prescribing anything for the purposes of section 3 of that Act he may make separate provision in relation to the notification of registrars in Wales and the notification of registrars in England.

THE STATUTORY INSTRUMENTS ACT 1946

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4. References to a Minister of the Crown in section 1 of the Statutory Instruments Act 1946 shall be construed as including references to the Assembly. 1946 c. 36.

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) ACT 1946 1946 c. 49.

5. In paragraph 7B of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946—

- (a) in sub-paragraph (2)(a) and (3)(a) after the word “powers” there shall be inserted the words “in respect of land in England”; and
- (b) in sub-paragraph (6), the words “or Wales, as the case may be” shall be omitted.

THE STATISTICS OF TRADE ACT 1947

1947 c. 39.

6. In section 1(1) of the Statistics of Trade Act 1947 the reference to the discharge by government departments of their functions shall include a reference to the discharge by the Assembly of its functions.

7. Section 9(1) of that Act shall apply in relation to the Assembly as it applies in relation to a government department (or the Minister in charge of a government department).

THE MARRIAGE ACT 1949

1949 c. 76.

8. At the end of section 74 of the Marriage Act 1949 there shall be added the words “and may make separate provision in connection with marriages in Wales or notices given to, or certificates or licences issued by, persons in Wales”.

THE NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949 1949 c. 97.

England

9. In the application of the National Parks and Access to the Countryside Act 1949 to England—

- (a) the words “and Wales” in sections 1, 5 and 6 shall be omitted;
- (b) the words “or Wales” in sections 51 and 87 shall be omitted.

Wales

10.—(1) The following amendments shall have effect in the application of that Act to Wales.

(2) References to the Countryside Commission shall be construed as references to the Countryside Commission for Wales.

(3) Sections 1 to 3 shall be omitted.

(4) In section 4—

- (a) in subsection (1) for the words from “thirtieth” to “Minister” there shall be substituted the words “31st March in each year, make to the Welsh Assembly”;
- (b) in subsection (3) for the words from “Minister” where first occurring to “his” there shall be substituted the words “Welsh Assembly during that period under section 62 of

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the Wales Act 1978 unless the Welsh Assembly has notified to the Commission its"; and

(c) for subsection (4) there shall be substituted—

“(4) The Welsh Assembly shall publish every report of the Commission under this section”.

(5) In sections 5 and 6 the words “England and” shall be omitted, and in section 6—

(a) in subsection (3)(b) for the words “the Minister” there shall be substituted the words “the Welsh Assembly” and for the words “any other Minister” there shall be substituted the words “any Minister”; and

(b) in subsection (4)—

(i) in paragraph (e) for the words “any Minister” there shall be substituted the words “the Welsh Assembly or any Minister”;

(ii) in paragraph (f) for the words “the Minister” there shall be substituted the words “the Welsh Assembly” and for the words “other Ministers” there shall be substituted the words “any Minister”; and

(iii) in paragraph (g) for the words “the Minister”, in the first place, there shall be substituted the words “the Welsh Assembly”, for the words “other Ministers” there shall be substituted the words “any Minister” and for the words “the Minister”, in the second place, there shall be substituted the words “the Welsh Assembly or the Minister”.

(6) In sections 51 and 87 the words “England or” shall be omitted.

1952 c. 66.

THE DEFAMATION ACT 1952

11. In section 10 of the Defamation Act 1952 before the words “or to Parliament” there shall be inserted the words “to the Welsh Assembly”.

12. In the Schedule to that Act before paragraph 2 there shall be inserted—

“1B. A fair and accurate report of any proceedings in public of the Welsh Assembly”.

13. In paragraph 13 of that Schedule there shall be inserted at the appropriate place—

“‘Welsh Assembly’ includes any committee of the Assembly and any sub-committee of such a committee”.

1953 c. 20.

THE BIRTHS AND DEATHS REGISTRATION ACT 1953

14. Section 39 of the Births and Deaths Registration Act 1953 shall become section 39(1) and at the end of it there shall be added—

“(2) The power to make regulations under this section includes power to make separate provision in connection with births or deaths in Wales or registration in Wales.”

THE REGISTRATION SERVICE ACT 1953

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15.—(1) The Registrar General shall for the purposes of section 19 of the Registration Service Act 1953 prepare separate general abstracts relating to registrations in England and registrations in Wales. 1953 c. 37.

(2) So much of that section as provides for an abstract to be laid before each House of Parliament shall not apply to an abstract relating to registrations in Wales ; but the Assembly shall publish every abstract that it receives under that section.

16. At the end of section 20 of that Act there shall be added the words “and the power to make regulations under this section includes power to make separate provision in connection with the registration service in Wales”.

THE HISTORIC BUILDINGS AND ANCIENT MONUMENTS ACT 1953 1953 c. 49.

17.—(1) Section 1(3) of the Historic Buildings and Ancient Monuments Act 1953 shall have effect in its application (by virtue of section 3(2)) to the Historic Buildings Council for Wales as if the second reference to the House of Commons included a reference to the Assembly.

(2) The expenses referred to in section 7 of that Act do not include expenses incurred by the Assembly.

THE DEFAMATION ACT (NORTHERN IRELAND) 1955

1955 c. 11.
(N.I.).

18. In section 10(1) of the Defamation Act (Northern Ireland) 1955 after the words “in any election” there shall be inserted the words “to the Welsh Assembly”.

19. In the Schedule to that Act before paragraph 2 there shall be inserted—

“1B. A fair and accurate report of any proceedings in public of the Welsh Assembly”.

20. In paragraph 13 of that Schedule there shall be inserted at the appropriate place—

“‘Welsh Assembly’ includes any committee of the Assembly and any sub-committee of such a committee”.

THE OPENCAST COAL ACT 1958

1958 c. 69.

21. After subsection (1) of section 2 of the Opencast Coal Act 1958 there shall be inserted—

“(1A) The Minister shall not give a direction under this section in relation to land in Wales unless—

- (a) he has, at least 28 days previously, given notice of the proposed direction to the Welsh Assembly, or
- (b) the Welsh Assembly has informed him of its agreement to the giving of the proposed direction or to the giving of directions of a class that includes the proposed direction”.

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THE MENTAL HEALTH ACT 1959

1959 c. 72.

22. In section 28(2) of the Mental Health Act 1959 after the words "Secretary of State" there shall be inserted the words "or the Welsh Assembly".

1962 c. 58.

THE PIPE-LINES ACT 1962

23. After subsection (1) of section 5 of the Pipe-lines Act 1962 there shall be inserted—

"(1A) The Minister shall not give a direction under this section in relation to land in Wales unless—

(a) he has, at least 28 days previously, given notice of the proposed direction to the Welsh Assembly, or

(b) the Welsh Assembly has informed him of its agreement to the giving of the proposed direction or to the giving of directions of a class that includes the proposed direction".

1965 c. 59.

THE NEW TOWNS ACT 1965

24.—(1) Section 43 of the New Towns Act 1965 shall not apply in relation to any sums advanced to or borrowed by development corporations in Wales after the coming into force of this paragraph.

(2) The Assembly may by order impose a limit on the amount outstanding at any time in respect of the principal of any money so advanced to or borrowed by development corporations in Wales.

(3) The Assembly shall not charge a committee with the exercise of the power to make such an order.

25. Section 54(4) of that Act shall have effect as if it provided for the appropriate Minister alone to determine the question whether land in Wales of excepted statutory undertakers is operational land.

1967 c. 13.

THE PARLIAMENTARY COMMISSIONER ACT 1967

26. In section 61(1)(b) of the Parliamentary Commissioner Act 1967 before the words "or those" there shall be inserted the words "or by the Welsh Assembly" and at the end there shall be added the words "or sums payable out of the Welsh Consolidated Fund".

27. At the end of section 11(4) of that Act there shall be added the words "and to the Chief Executive of the Welsh Assembly".

1967 c. 66.

THE WELSH LANGUAGE ACT 1967

28. In section 2 of the Welsh Language Act 1967—

(a) in subsections (1) and (3) for the words "the appropriate Minister" there shall be substituted the words "the appropriate authority"; and

(b) in subsection (3), before paragraph (a) there shall be inserted—

"(aa) in the case of an enactment for the execution of which in Wales the Welsh Assembly is responsible, that Assembly; and".

THE COUNTRYSIDE ACT 1968

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29. In the application of the Countryside Act 1968 to Wales—

1968 c. 41.

- (a) section 1(1) and (2) shall be omitted ;
- (b) references to the Countryside Commission, except in section 1(4) and (5), shall be construed as references to the Countryside Commission for Wales ; and
- (c) in section 2—
 - (i) in subsection (4) for the words “ any Minister having functions under this Act or any other Minister ” there shall be substituted the words “ the Welsh Assembly or any Minister ” ; and
 - (ii) in subsection (5) for the words “ section 1(2) of this Act ” there shall be substituted the words “ section 62 of the Wales Act 1978 ” and for the word “ Minister ” there shall be substituted the words “ Welsh Assembly ”.

THE DEVELOPMENT OF TOURISM ACT 1969

1969 c. 51.

30. Notwithstanding the provisions of subsection (3) of section 2 of the Development of Tourism Act 1969, the Wales Tourist Board shall have power, by virtue of subsection (2) of that section, to carry on activities outside the United Kingdom for the purpose of encouraging people to visit Wales.

31. In section 3 of that Act—

- (a) subsection (1) shall have effect as if the reference to the Wales Tourist Board were omitted and the reference to Great Britain did not include a reference to Wales ;
- (b) before subsection (2) there shall be inserted—
 - “(1B) The Wales Tourist Board may prepare a scheme providing for the giving of financial assistance by it for the carrying out of projects of such classes as may be specified in the scheme, being projects which in the opinion of the Board will provide or improve tourist amenities and facilities in Wales ” ;
- (c) in subsection (2) before the word “ who ” there shall be inserted the words “ and any scheme prepared under subsection (1B) of this section shall be submitted to the Welsh Assembly ” ;
- (d) in subsection (6) the words “ of the Board of Trade ” shall be omitted and after the word “ section ”, in the third place where it occurs, there shall be inserted the words “ relating to a scheme prepared by the British Tourist Authority ” ; and
- (e) after subsection (6) there shall be added—
 - “(7) The Welsh Assembly shall not charge a committee with the exercise of its power to make orders under this section ”.

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32.—(1) The powers conferred on Her Majesty in Council by sections 17 and 18 of that Act shall in relation to establishments in Wales be exercisable instead by the Assembly by order made by statutory instrument.

(2) The Assembly shall not charge a committee with the exercise of its powers under those sections.

(3) Those sections shall have effect in relation to orders made by the Assembly as if—

- (a) references to the Wales Tourist Board were substituted in paragraph (a) of section 17(3) for the references to the British Tourist Authority;
- (b) the consultation referred to in that paragraph did not include consultation with other Tourist Boards; and
- (c) the provisions of section 17(4) relating to regulations, and the provision for annulment made by section 17(6), were omitted.

1970 c. 34.

THE MARRIAGE (REGISTRAR GENERAL'S LICENCE) ACT 1970

33. At the end of section 18(2) of the Marriage (Registrar General's Licence) Act 1970 there shall be added the words "and power to make separate provision in connection with marriages in Wales".

1971 c. 78.

THE TOWN AND COUNTRY PLANNING ACT 1971

34. After section 40(1) of the Town and Country Planning Act 1971 there shall be inserted—

"(1A) A government department shall not give a direction under this section in respect of development in Wales unless—

- (a) the department has, at least 28 days previously, given notice of the proposed direction to the Welsh Assembly, or
- (b) the Welsh Assembly has informed the department of its agreement to the giving of the proposed direction or to the giving of directions of a class that includes the proposed direction".

35. After section 254 of that Act there shall be inserted—

"Contributions by Welsh Assembly towards compensation paid by local authorities.

254A. Where compensation is payable by a local authority under this Act in consequence of any such decision or order as is mentioned in section 254 of this Act and the decision or order was given or made wholly or partly in the interest of a service provided by the Welsh Assembly, the Assembly may pay a contribution to that authority".

THE BANKING AND FINANCIAL DEALINGS ACT 1971

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36. In section 1 of the Banking and Financial Dealings Act 1971 before subsection (3) there shall be inserted—

1971 c. 80.

“(2B) Subsection (2) above does not apply to Wales, but if it appears to the Welsh Assembly that, in the special circumstances of any year, it is inexpedient that a day specified in Schedule 1 to this Act should be a bank holiday in Wales, the Welsh Assembly may by order declare that that day shall not in that year be a bank holiday and appoint another day in place of it; and the day appointed by the order shall, in that year, be a bank holiday under this Act instead of the day specified in Schedule 1”.

37. Before subsection (4) of that section there shall be inserted—

“(3B) The Welsh Assembly may from time to time by order appoint a special day to be a bank holiday in Wales under this Act”.

THE LOCAL EMPLOYMENT ACT 1972

1972 c. 5.

38.—(1) In relation to a development area or intermediate area in Wales, subsection (1) of section 7 of the Local Employment Act 1972 shall have effect as if—

(a) for the words “the Minister in charge of any Government department” there were substituted the words “a Minister of the Crown”; and

(b) the words “for which the department is responsible” were omitted.

(2) After that subsection there shall be inserted—

“(1A) Where it appears to the Welsh Assembly that adequate provision has not been made for the needs of any development area or intermediate area in Wales in respect of a basic service for which the Assembly is responsible, and that it is expedient with a view to contributing to the development of industry in that area that the service should be improved, the Assembly may make grants or loans towards the cost of improving it to such persons and in such manner as appear to the Assembly appropriate”.

(3) In subsection (3) of that section after the words “Minister of the Crown” there shall be inserted the words “or of the Welsh Assembly”.

THE FINANCE ACT 1972

1972 c. 41

39. In section 19(4) of the Finance Act 1972 before the words “and any part” there shall be inserted the words “or of the Welsh Assembly”.

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1972 c. 68.

THE EUROPEAN COMMUNITIES ACT 1972

40.—(1) The references in section 2(2) of the European Communities Act 1972 to a Minister of the Crown or government department shall include references to the Assembly.

(2) The Assembly shall not charge a committee with the exercise of a power to make regulations under that section except in such cases of urgency as may be specified for the purposes of this paragraph by the standing orders of the Assembly, and in such cases a committee shall not arrange for the exercise of the power by the leader of the committee or by a sub-committee.

(3) Paragraph 2(2) of Schedule 2 to that Act shall not have effect in relation to regulations made by the Assembly.

1972 c. 70.

THE LOCAL GOVERNMENT ACT 1972

41. In the application of Schedule 17 to the Local Government Act 1972 to Wales, the references to the Countryside Commission in paragraphs 9 to 13, 15, 17 and 19 shall be construed as references to the Countryside Commission for Wales.

1973 c. 37.

THE WATER ACT 1973

42. For subsection (1) of section 1 of the Water Act 1973 there shall be substituted—

“(1) It shall be the duty of the Secretary of State and the Minister of Agriculture, Fisheries and Food (in this Act referred to as “the Minister”) to promote jointly a national policy for water in England and Wales and—

- (a) it shall be the duty of the Secretary of State to secure the effective execution in England of so much of that policy as relates to matters mentioned in subsection (2) below by the bodies responsible for them; and
- (b) it shall be the duty of the Minister to secure the effective execution in England of so much of that policy as relates to the matters mentioned in subsection (3) below by the bodies responsible for them; and
- (c) it shall be the duty of the Welsh Assembly to promote a national policy for water in Wales in harmony with the national policy for water in England and Wales and to secure its effective execution by the bodies responsible for the matters mentioned in subsections (2) and (3) below”.

43. In subsection (2) of that section, for the words preceding the paragraphs there shall be substituted the words “The matters referred to in subsection (1)(a) above are—”.

44. For subsection (3) of that section there shall be substituted—

“(3) The matters referred to in subsection (1)(b) above are land drainage and fisheries in inland and coastal waters”.

45. In subsection (7) of that section after the words "The Secretary of State" there shall be inserted the words "and the Welsh Assembly", for the words "he considers" there shall be substituted the words "he or it considers" and for the words "England and Wales" there shall be substituted the words "England or Wales".

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46. For subsection (10) of section 3 of that Act there shall be substituted—

"(10) The constitution of the Welsh authority shall be prescribed by the order establishing it under section 2 above and any order establishing or varying the constitution of the Welsh authority shall make provision for twenty-one of its members to be appointed as mentioned in subsection (10A) below ; and the Welsh Assembly shall not charge any committee of the Assembly with the exercise of the power to make an order varying that constitution.

(10A) Of the twenty-one members mentioned in subsection (10) above one each shall be appointed by the following, that is to say:—

- (a) the county council of each county in Wales ;
- (b) the councils of the districts within each county in Wales ;
- (c) the Cheshire county council ;
- (d) the Hereford and Worcester county council ;
- (e) the councils of the districts within the county of Cheshire ;
- (f) the councils of the districts within the county of Hereford and Worcester ; and
- (g) the Secretary of State and the Minister acting jointly".

47. At the end of subsection (3) of section 5 of that Act there shall be added—

"(4) In relation to any functions exercisable by the Welsh authority or the Severn-Trent Water Authority in Wales subsections (1) and (2) of this section shall have effect as if for the references to the Minister and the Secretary of State there were substituted references to the Welsh Assembly".

THE NATURE CONSERVANCY COUNCIL ACT 1973

1973 c. 54.

48. In section 1(1)(a) of the Nature Conservancy Council Act 1973 after sub-paragraph (ii) there shall be inserted—

"(iia) the provision of advice for the Welsh Assembly for the purposes of any functions exercised by it in relation to the conservation of features of geological or physiographical interest and of flora and fauna ; and".

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1974 c. 7.

THE LOCAL GOVERNMENT ACT 1974

England

49. In the application of Part I of the Local Government Act 1974 to England the words "and Wales" in section 1(1) and (3)(b) shall be omitted.

Wales

50. Paragraphs 51 to 67 below shall have effect in the application of that Part to Wales.

51. The words "England and" in section 1(1) and (3)(b) shall be omitted.

52. For references to the Secretary of State, wherever they occur (except in section 8(2) and (3) and in paragraphs 8(1)(b), 9 and 11 of Schedule 1) there shall be substituted references to the Welsh Assembly; and references to the consent of the Treasury, except in section 8, shall be omitted.

53. Any reference to a local authority for an area in England (but not the reference in paragraph 3(4) of Schedule 2) shall be omitted.

54. In section 1(2) after the words "out of money provided by Parliament" there shall be inserted the words "or out of the Welsh Consolidated Fund".

55. In section 1(6), paragraph (a) and the words from "of the Receiver" to "District or" shall be omitted.

56. In section 1(7) the words "out of money provided by Parliament" shall be omitted.

57. In section 3, subsection (2) shall be omitted and, in subsection (3), for the words from the beginning to "report" there shall be substituted the words "Every rate support grant order shall be published by the Welsh Assembly together with a report".

58. In section 5(1), for references to the appropriate Minister there shall be substituted references to the Welsh Assembly, and the words from "make and cause" to "may" shall be omitted.

59. In section 5(2) a reference to the Assembly shall be substituted for the reference to the appropriate Minister except in relation to functions relating to matters listed in Schedule 5 to this Act.

60. In section 7(3) for the reference to the Countryside Commission there shall be substituted a reference to the Countryside Commission for Wales.

61. In section 8(3) for the words from the beginning to "subsection (1) or" there shall be substituted the words "Payments of grants under subsection (1) above shall be made at such times as the Welsh Assembly may determine and payments of grants under".

62. In section 9 for the references to the Countryside Commission there shall be substituted references to the Countryside Commission for Wales.

63. In section 10(4) the words from “which” to the end shall not have effect in relation to regulations made by the Assembly. SCH. 11

64. In paragraph 6 of Schedule 1, for the words from “except” to “that” there shall be substituted the words “but the Welsh Assembly may make such advances or grants out of the Welsh Consolidated Fund in cases where it appears to the Welsh Assembly that”.

65. In paragraph 8(1) of Schedule 1, for the words from “then” to “section” there shall be substituted the words “the Welsh Assembly may make to that person, out of the Welsh Consolidated Fund”.

66. The powers conferred on the Secretary of State by paragraph 11 of Schedule 1 shall, in relation to grants payable by the Assembly, be exercisable by the Assembly; and subparagraph (4) of that paragraph shall not have effect in relation to an order made by the Assembly.

67. The Assembly shall not charge a committee with the exercise of a power to make an order under section 3 or 4(1) or paragraph 11 of Schedule 1 or to make regulations under section 5(2) or 10(3).

Local government administration

68. In section 23(12) of that Act, after the words “section 24 below)” there shall be inserted the words “to the Welsh Assembly”.

69. In section 26(6)(b) of that Act, after the word “Crown” there shall be inserted the words “or to the Welsh Assembly”.

70. In section 27(1) of that Act, for paragraph (b) there shall be substituted—

“ (b) any other authority or body—

(i) whose members are appointed by Her Majesty, by any Minister of the Crown or government department or by the Welsh Assembly; or

(ii) whose revenues consist wholly or mainly of moneys provided by Parliament or sums paid out of the Welsh Consolidated Fund”.

71. In section 29(3) of that Act, after the words “Government department” there shall be inserted the words “or the Welsh Assembly”.

72. In section 32(3) of that Act—

(a) after the words “Minister of the Crown” there shall be inserted the words “or the Welsh Assembly”;

(b) after the words “the Minister” there shall be inserted the words “or the Assembly”; and

(c) after the words “Secretary of State” there shall be inserted the words “or by the Welsh Assembly”.

- SCH. 11 73. In section 32(5) of that Act—
- (a) after the words “from a government department” there shall be inserted the words “or the Welsh Assembly”;
 - (b) after the words “the government department” there shall be inserted the words “or the written consent of the Assembly”; and
 - (c) after the words “the department” there shall be inserted the words “or Assembly”.

1974 c. 37.

THE HEALTH AND SAFETY AT WORK ETC. ACT 1974

74. Regulations made by the Assembly for the purposes of subsection (3) of section 14 of the Health and Safety at Work etc. Act 1974 shall include provision for an inquiry to be held otherwise than in public where or to the extent that a Minister of the Crown so directs; and in relation to such regulations paragraph (c) of subsection (4) shall have effect as if it referred to the Assembly instead of to a Minister of the Crown.

75. In section 44(1) of that Act at the end there shall be added the words “or, where a licence is required under regulations made by the Welsh Assembly, to the Welsh Assembly”.

76. In section 48(4) of that Act before the word “which” there shall be inserted the words “or of regulations made under this Part by the Welsh Assembly”.

77. Any modification made by an Order in Council under section 84(3) of that Act may include provision conferring functions on the Assembly.

1975 c. 7.

THE FINANCE ACT 1975

78. In paragraph 12(1) of Schedule 6 to the Finance Act 1975, before the entry beginning “Any university” there shall be inserted the words “The Welsh Assembly”.

1975 c. 24.

THE HOUSE OF COMMONS DISQUALIFICATION ACT 1975

79. In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 the following shall be inserted at the appropriate places—

Any member of the Countryside Commission for Wales in receipt of remuneration.

Welsh Comptroller and Auditor General.

1975 c. 25

THE NORTHERN IRELAND ASSEMBLY DISQUALIFICATION ACT 1975

80. In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 there shall be inserted at the appropriate place—

Welsh Comptroller and Auditor General.

THE WELSH DEVELOPMENT AGENCY ACT 1975

SCH. 11

81. For paragraph 9 of Schedule 3 to the Welsh Development Agency Act 1975 there shall be substituted—

“ 9.—(1) It shall be the duty of the Agency, as soon as possible after the end of each accounting year, to make a report dealing with the operations of the Agency during that year—

- (a) in pursuance of section 1(3)(b) to (d) of this Act, to the Assembly and the Secretary of State ;
- (b) in pursuance of section 1(3)(e) or 12 of this Act, to the Secretary of State ; and
- (c) in pursuance of any other provision of this Act, to the Assembly.

(2) It shall be the duty of the Secretary of State to lay before each House of Parliament a copy of each report received by him under this paragraph.

(3) The Welsh Assembly shall publish each report received by it under this paragraph.”

THE DEVELOPMENT OF RURAL WALES ACT 1976

1976 c. 75.

82.—(1) In subsection (1)(e) of section 3 of the Development of Rural Wales Act 1976, the words “ to the Secretary of State ” shall be omitted and for the words “ a report ” there shall be substituted the word “ reports ”.

(2) At the end of subsection (8) of that section there shall be added the words “ and the Welsh Assembly shall publish every report made to it under that provision ”.

83. For paragraph 17 of Schedule 1 to that Act there shall be substituted—

“ 17.—(1) The reports to be made by the Board under section 3(1)(e) of this Act are—

- (a) a report as to its functions relating to economic development, which shall be made to the Welsh Assembly and the Secretary of State ; and
- (b) a report as to its remaining functions, which shall be made to the Welsh Assembly.

(2) A report made in accordance with sub-paragraph (1)(b) above shall set out—

- (a) any directions given to the Board under section 2 of this Act ; and
- (b) a summary of any proposals submitted under section 3(1)(b) of this Act.”

THE HEALTH SERVICES ACT 1976

1976 c. 83.

84. In section 14(5) of the Health Services Act 1976, the references to the Secretary of State, in relation to functions exercisable by the Assembly, shall be construed as references to the Assembly.

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THE PATENTS ACT 1977

1977 c. 37.

85. Sections 55 to 59 of the Patents Act 1977 shall have effect as if references to a government department included references to the Assembly; and, in relation to any use of an invention by the Assembly or by any person authorised in writing by the Assembly, section 55(4) of that Act shall have effect as if the words "with the approval of the Treasury" were omitted.

1977 c. 49.

THE NATIONAL HEALTH SERVICE ACT 1977

86.—(1) The Secretary of State may give directions to the Assembly as to the exercise of any of its functions under sections 29 and 34 to 43 of, and paragraph 10(1) of Schedule 5 to, the National Health Service Act 1977, and the Assembly shall give effect to any such directions.

(2) The power of the Secretary of State under this paragraph includes power to require functions to be conferred on him by or under regulations made by the Assembly.

87. In section 111(1) of that Act, for paragraph (b) there shall be substituted—

"(b) any other authority or body—

(i) whose members are appointed by Her Majesty, by any Minister of the Crown or government department or by the Welsh Assembly; or

(ii) whose revenues consist wholly or mainly of money provided by Parliament or sums paid out of the Welsh Consolidated Fund".

88.—(1) In section 119 of that Act, at the end of subsection (1)(d) there shall be inserted the words "or, if the investigation was conducted by the Health Service Commissioner for Wales, to the Welsh Assembly".

(2) Subsections (3) and (4) of that section shall have effect as if they provided for reports of the Health Service Commissioner for Wales to be made to and published by the Assembly (instead of providing for them to be laid before each House of Parliament or made to the Secretary of State).

89. In paragraph 17 of Schedule 13 to that Act—

(a) after the words "Minister of the Crown" there shall be inserted the words "or the Welsh Assembly"; and

(b) for the words "Minister's opinion" there shall be substituted the words "opinion of the Minister or Assembly".

1978 c. 50.

THE INNER URBAN AREAS ACT 1978

90.—(1) Section 2(4)(b) of the Inner Urban Areas Act 1978 shall have effect, in any case where—

(a) the loan is made by a designated district authority in Wales and

- (b) the Assembly is satisfied that it is not for the acquisition, construction or alteration of a building intended for use for industrial or commercial purposes,

SCH. 11

as if the reference to the Secretary of State were a reference to the Assembly.

(2) Paragraphs 1(3)(b) and 3(3)(b) of the Schedule to that Act shall have effect, in relation to any area in Wales, as if the reference to the Secretary of State included a reference to the Assembly.

SCHEDULE 12

Section 80.

REFERENDUM

Date of referendum

1. The referendum shall be held on such day, not less than six weeks after the making of the Order, as Her Majesty may by Order in Council appoint.

Persons eligible to vote

2. Those entitled to vote in the referendum shall be—

- (a) the persons who, at the date of the referendum, would be entitled to vote as electors at a parliamentary election in any constituency in Wales; and
- (b) peers who at that date would be entitled to vote as electors at a local government election in any electoral area in Wales.

Question to be asked and form of ballot paper

3. The question to be asked in the referendum and the front of the ballot paper to be used for that purpose shall be in the form set out in the Appendix to this Schedule.

Conduct of referendum

4. Subject to the following provisions of this Schedule, Her Majesty may by Order in Council make provision as to the conduct of the referendum and apply in relation to it, with such modifications or exceptions as may be specified in the Order, any provision of the Representation of the People Acts, any provision of the enactments relating to returning officers and any provision made under any enactment.

5. An Order in Council under this Schedule shall not charge any sum on the Consolidated Fund but may provide for the expenses of the returning officers to be defrayed as administrative expenses of the Secretary of State.

6. The functions which, in relation to a parliamentary election, are conferred on returning officers by any provision applied by an Order in Council under this Schedule shall in relation to the referendum be discharged by the persons who under section 41 of the Local Government Act 1972 are, or may discharge the functions of, returning officers at elections of councillors of districts.

SCH. 12 7. The Secretary of State shall appoint a Chief Counting Officer, who shall appoint a counting officer for each county in Wales ; and each counting officer shall conduct the counting of votes cast in the area for which he is appointed in accordance with any directions given to him by the Chief Counting Officer.

8. The counting officer for each area shall certify the number of ballot papers counted by him and the number of respective answers given by valid votes ; and the Chief Counting Officer shall certify the total of the ballot papers and the respective answers for the whole of Wales.

9. The council of each county in Wales shall place the services of its officers at the disposal of the counting officer for the county ; and if the council or the counting officer for a county so requests, the council of any district in the county shall place the services of its officers at the disposal of the counting officer for the county.

1967 c. 66. 10. Section 2(1) of the Welsh Language Act 1967 (power to prescribe Welsh version) shall apply in relation to an Order in Council under this Schedule as if the Order were an enactment within the meaning of that Act.

Exclusion of legal proceedings

11. No court shall entertain any proceedings for questioning the numbers, as certified by the Chief Counting Officer or any counting officer, of any ballot papers counted or answers given in the referendum.

Orders in Council

12. No recommendation shall be made to Her Majesty in Council to make an Order under this Schedule until a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

APPENDIX

FORM OF BALLOT PAPER

Parliament has decided to consult the electorate in Wales on the question whether the Wales Act 1978 should be put into effect.

Mae'r Senedd wedi penderfynu ymgynghori ag etholwyr Cymru ynglyn â ddylid gweithredu Deddf Cymru 1978.

**DO YOU WANT THE PROVISIONS OF THE WALES
ACT 1978 TO BE PUT INTO EFFECT?**

**A YDYCH AM I DDARPARIAETHAU DEDDF
CYMRU 1978 GAEL EU GWEITHREDU?**

Put a cross (X) in the appropriate box

Rhowch groes (X) yn y blwch cymwys

YES YDWYF	
NO NAC YDWYF	

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