



Wales Act 2017

CHAPTER 4

WALES ACT 2017

PART 1

CONSTITUTIONAL ARRANGEMENTS

Permanence of the National Assembly for Wales and Welsh Government

- 1 Permanence of the National Assembly for Wales and Welsh Government

Convention about Parliament legislating on devolved matters

- 2 Convention about Parliament legislating on devolved matters

Legislative competence

- 3 Legislative competence
- 4 Devolved Welsh authorities

Elections

- 5 Power to make provision about elections
- 6 Timing of elections
- 7 Electoral registration: the digital service
- 8 Elections of police and crime commissioners

Other provision about legislation by the Assembly

- 9 Super-majority requirement for certain legislation
- 10 Super-majority requirement: amendments relating to procedure etc
- 11 Introduction of Bills: justice impact assessment
- 12 Submission of Bills for Royal Assent: role of Presiding Officer

Status: This is the original version (as it was originally enacted).

Other provision about the Assembly

- 13 Financial control, accounts and audit
- 14 Composition of Assembly committees
- 15 Assembly proceedings: participation by UK Ministers etc
- 16 Change of name of the Assembly etc: translation of references

Taxation and borrowing

- 17 Welsh rates of income tax: removal of referendum requirement
- 18 Lending for capital expenditure

Executive competence etc

- 19 Functions of Welsh Ministers
- 20 Implementation of EU law
- 21 Transfer of Ministerial functions
- 22 Consultation about cross-border bodies

PART 2

LEGISLATIVE AND EXECUTIVE COMPETENCE: FURTHER PROVISION

Onshore petroleum

- 23 Onshore petroleum licensing
- 24 Onshore petroleum: existing licences
- 25 Onshore petroleum: right to use deep-level land in Wales

Road transport

- 26 Roads: speed limits, pedestrian crossings and traffic signs
- 27 Bus service registration and traffic commissioners
- 28 Taxis: transfer of functions to Welsh Ministers

Harbours: transfer of executive functions

- 29 Welsh harbours
- 30 Amendments of Harbours Act 1964
- 31 Application of general provisions to transfer of functions in sections 29 and 30
- 32 Reserved trust ports
- 33 Development consent

Harbours: consultation and consent requirements

- 34 Exercise of functions in relation to cross-border harbours
- 35 Cross-border exercise of pilotage functions
- 36 Exercise of functions in relation to two or more harbours
- 37 Consequential amendments to consent requirements in Harbours Act 1964
- 38 Sections 34 to 37: supplementary

Planning for electricity generating stations

- 39 Development consent for generating stations with 350MW capacity or less
- 40 Generating stations and public rights of navigation

- 41 Safety zones around renewable energy installations
- 42 Overhead lines associated with devolved Welsh generating stations
- 43 Alignment of associated development consent

Equal opportunities

- 44 Equal opportunities: public sector equality duty
- 45 Public sector duty regarding socio-economic inequalities

Marine licensing and conservation

- 46 Marine licensing in the Welsh offshore region
- 47 Marine conservation zones

Water etc

- 48 Water and sewerage
- 49 Modification of water-related functions
- 50 Water protocol
- 51 Reciprocal cross-border duties in relation to water
- 52 Repeal of intervention powers relating to water

Miscellaneous

- 53 Transfer of functions in relation to fishing vessels
- 54 Transfer of functions in relation to excepted energy buildings
- 55 Renewable energy incentive schemes
- 56 Financial assistance for inland waterway and sea freight
- 57 Maritime and Coastguard Agency
- 58 Gaming machines on licensed betting premises

PART 3

WELSH TRIBUNALS

- 59 The Welsh tribunals
- 60 President of Welsh Tribunals
- 61 Directions as to practice and procedure
- 62 Cross-deployment of members of the Welsh tribunals
- 63 Cross-deployment of tribunal members and judges
- 64 Power to amend section 63

PART 4

MISCELLANEOUS

- 65 Provision of information to the Office for Budget Responsibility
- 66 Gas and Electricity Markets Authority
- 67 Licensing of coal-mining operations: approval by Welsh Ministers
- 68 Office of Communications

PART 5

GENERAL

- 69 Consequential provision
- 70 Transitional provision and savings
- 71 Commencement

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SCHEDULES

SCHEDULE 1 — New Schedule 7A to the Government of Wales Act 2006

SCHEDULE 2 — New Schedule 7B to the Government of Wales Act 2006

SCHEDULE 3 — New Schedule 9A to the Government of Wales Act 2006

SCHEDULE 4 — New Schedule 3A to the Government of Wales Act 2006

SCHEDULE 5 — President of Welsh Tribunals

Part 1 — APPOINTMENT

- 1 Duty to fill vacancies
- 2 The two routes to appointment: agreement under this paragraph or selection under Part 2

Part 2 — SELECTION BY THE JUDICIAL APPOINTMENTS COMMISSION

- 3 Eligibility for selection
- 4 The selection process
- 5 Merit and good character
- 6 Encouragement of diversity
- 7 Regulations about selection
- 8 Withdrawal and modification of requests
- 9 Effect of acceptance of selection

Part 3 — TERMS OF OFFICE

- 10 Tenure, removal, resignation etc
- 11 A person who holds the office of President of Welsh...
- 12 (1) The Lord Chief Justice, if satisfied by means of...
- 13 Remuneration, allowances and expenses
- 14 Oaths

SCHEDULE 6 — Minor and consequential amendments

Part 1 — AMENDMENTS OF THE GOVERNMENT OF WALES ACT 2006

- 1 The Government of Wales Act 2006 is amended as follows...
- 2 Omit sections 103 to 106A (commencement of Assembly Act provisions)...
- 3 (1) Section 109 (legislative competence: supplementary) is amended as follows....
- 4 In section 114 (power to intervene in certain cases), in...
- 5 (1) Section 116 (Welsh Seal and Letters Patent) is amended...
- 6 In section 116B (status of officials of body that collects...
- 7 In section 116M (duty to disclose information on Welsh land...
- 8 (1) Section 157 (orders and directions) is amended as follows....
- 9 In section 158 (interpretation), in subsection (1), at the appropriate...
- 10 (1) Section 159 (index of defined expressions) is amended as...
- 11 In section 161 (commencement) omit subsection (7).
- 12 In Schedule 3 (transfer etc of functions: further provision), in...
- 13 Omit Schedule 6 (referendums on commencement of Assembly Act provisions)....
- 14 In Schedule 10 (minor and consequential amendments) omit paragraphs 14,...

Part 2 — AMENDMENTS RELATING TO ONSHORE PETROLEUM

- 15 Petroleum Act 1998 (c. 17)
- 16 (1) Section 4A of that Act (onshore hydraulic fracturing: safeguards)...
- 17 (1) Section 4B of that Act (section 4A: supplementary provision)...
- 18 In section 7(2)(d) of that Act (ancillary rights)—
- 19 Oil Taxation Act 1975 (c. 22)
- 20 In Schedule 1 to that Act (determination of oil fields),...
- 21 Taxation of Chargeable Gains Act 1992 (c. 12)
- 22 Finance Act 1993 (c. 34)
- 23 Capital Allowances Act 2001 (c. 2)
- 24 Energy Act 2004 (c. 20)
- 25 Corporation Tax Act 2010 (c. 4)
- 26 In section 356IB of that Act (authorisation of development: oil...
- 27 In section 356J of that Act (authorisation of development: drilling...
- 28 Infrastructure Act 2015 (c. 7)
- 29 (1) Section 46 of that Act (notice schemes relating to...
- 30 (1) Section 47 of that Act (payment and notice schemes:...
- 31 (1) Section 48 of that Act (interpretation) is amended as...
- 32 (1) Section 55 of that Act (regulations and orders) is...

Part 3 — OTHER AMENDMENTS

- 33 National Audit Act 1983 (c. 44)
- 34 (1) Section 8 of that Act (right to obtain documents...
- 35 In section 9 of that Act (reports to House of...
- 36 Road Traffic Regulation Act 1984 (c. 27)
- 37 (1) Section 65 of that Act (powers of traffic authorities...
- 38 In section 72 of that Act (powers exercisable by parish...
- 39 (1) Section 81 of that Act (general speed limit for...
- 40 In section 83 of that Act (provisions as to directions...
- 41 (1) Section 85 of that Act (traffic signs for indicating...
- 42 (1) Section 88 of that Act (temporary speed limits) is...
- 43 (1) Section 134 of that Act (regulations) is amended as...
- 44 Transport Act 1985 (c. 67)
- 45 In section 135 of that Act (procedure for making regulations,...
- 46 Road Traffic Act 1988 (c. 52)
- 47 Electricity Act 1989 (c. 29)
- 48 In section 36C of that Act (variation of consents under...
- 49 In section 106 of that Act (regulations and orders)—
- 50 (1) Schedule 8 to that Act (consents under sections 36...
- 51 In paragraph 1 of Schedule 9 to that Act (preservation...
- 52 Human Fertilisation and Embryology Act 1990 (c. 37)
- 53 Judicial Pensions and Retirement Act 1993 (c. 8)
- 54 Government of Wales Act 1998 (c. 38)
- 55 In Schedule 6 to that Act (Her Majesty's Chief Inspector...
- 56 Care Standards Act 2000 (c. 14)
- 57 Local Government Act 2000 (c. 22)
- 58 In section 77 of that Act (adjudications) omit subsection (5)....
- 59 Female Genital Mutilation Act 2003 (c. 31)
- 60 Energy Act 2004 (c. 20)
- 61 In Schedule 16 to that Act (applications and proposals for...
- 62 Constitutional Reform Act 2005 (c. 4)
- 63 Public Services Ombudsman (Wales) Act 2005 (c. 10)
- 64 Commissioners for Revenue and Customs Act 2005 (c. 11)
- 65 Commissioner for Older People (Wales) Act 2006 (c. 30)

Status: This is the original version (as it was originally enacted).

- 66 Legislative and Regulatory Reform Act 2006 (c. 51)
- 67 In section 27 of that Act (power to make orders,...
- 68 Tribunals, Courts and Enforcement Act 2007 (c. 15)
- 69 Statistics and Registration Service Act 2007 (c. 18)
- 70 Consumers, Estate Agents and Redress Act 2007 (c. 17)
- 71 Regulatory Enforcement and Sanctions Act 2008 (c. 13)
- 72 Human Fertilisation and Embryology Act 2008 (c. 22)
- 73 Climate Change Act 2008 (c. 27)
- 74 Planning Act 2008 (c. 29)
- 75 Omit section 202 of that Act (powers of National Assembly...
- 76 In Schedule 5 to that Act (provision relating to, or...
- 77 Marine and Coastal Access Act 2009 (c. 23)
- 78 In section 13 of that Act (safety zones: functions under...
- 79 In section 60 of that Act (meaning of “retained functions”...
- 80 (1) Section 78 of that Act (special procedure for applications...
- 81 (1) Section 79 of that Act (special procedure for applications...
- 82 Welfare Reform Act 2009 (c. 24)
- 83 Equality Act 2010 (c. 15)
- 84 (1) Section 157 of that Act (interpretation) is amended as...
- 85 Flood and Water Management Act 2010 (c. 29)
- 86 Budget Responsibility and National Audit Act 2011 (c. 4)
- 87 Omit Schedule 6 to that Act (amendments of Schedules 5...
- 88 Police Reform and Social Responsibility Act 2011 (c. 13)
- 89 Localism Act 2011 (c. 20)
- 90 In section 61 of that Act (meaning of “Welsh public...
- 91 In Schedule 13 to that Act (Infrastructure Planning Commission: transfer...
- 92 Welsh Language (Wales) Measure 2011 (nawm 1)
- 93 Protection of Freedoms Act 2012 (c. 9)
- 94 The Special Educational Needs Tribunal for Wales Regulations 2012 (S.I. 2012/ 322 (W.53))
- 95 Energy Act 2013 (c. 32)
- 96 Public Audit (Wales) Act 2013 (anaw 3)
- 97 Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)
- 98 Water Act 2014 (c. 21)
- 99 Wales Act 2014 (c. 29)
- 100 In section 7 of that Act (amendments relating to the...
- 101 Omit section 22 of that Act (budgetary procedures).
- 102 Counter-Terrorism and Security Act 2015 (c. 6)
- 103 In section 30 of that Act (power to give directions:...
- 104 (1) Section 35 of that Act (Chapter 1: interpretation) is...
- 105 Deregulation Act 2015 (c. 20)
- 106 Small Business, Enterprise and Employment Act 2015 (c. 26)
- 107 In section 22 of that Act (meaning of “qualifying regulatory...
- 108 In section 39 of that Act (regulations about procurement), in...
- 109 (1) Section 153C of that Act (power to relax restriction...
- 110 In section 157 of that Act (power of Secretary of...
- 111 Housing and Planning Act 2016 (c. 22)
- 112 (1) Section 208 of that Act (duty of public authorities...
- 113 Immigration Act 2016 (c. 19)

SCHEDULE 7 — Transitional provisions

- 1 Main transitional provisions about the Assembly's legislative competence
- 2 (1) The amendments made by section 3 and Schedules 1...
- 3 Power to alter name of the Assembly etc; financial control, accounts and audit
- 4 Repeals of sections 105 and 106 of the 2006 Act
- 5 (1) The repeal by this Act of section 106(2) of...
- 6 Transfer of functions
- 7 Water Act 2014
- 8 Development consent for generating stations
- 9 Marine licensing in the Welsh offshore region
- 10 Safety zones around renewable energy installations
- 11 For the purposes of paragraph 10 an application is not...