

Changes to legislation: Wales Act 2017, SCHEDULE 4 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

Section 21

NEW SCHEDULE 3A TO THE GOVERNMENT OF WALES ACT 2006

Commencement Information

II Sch. 4 in force at 1.4.2018 by [S.I. 2017/1179](#), [reg. 3\(p\)](#)

This Schedule sets out the new Schedule 3A to the Government of Wales Act 2006, to be inserted after Schedule 3 to that Act—

“SCHEDULE 3A

Section 59A

FUNCTIONS OF MINISTERS OF CROWN ETC EXERCISABLE CONCURRENTLY OR JOINTLY WITH WELSH MINISTERS

Functions exercisable concurrently with Welsh Ministers

- 1 (1) Functions specified in the table below, so far as exercisable in relation to Wales (or, in the case of functions under the Sea Fish (Conservation) Act 1967 or the Sea Fisheries Act 1968, the Welsh zone), are exercisable concurrently with the Welsh Ministers.
- (2) A function specified in the table that is exercisable subject to a requirement for the approval or consent of the Treasury or the Minister for the Civil Service is exercisable by the Welsh Ministers subject to that requirement except as noted in the table.
- 2 (1) The functions listed in sub-paragraph (2), so far as exercisable in relation to Welsh fishing boats beyond the seaward limit of the Welsh zone, are exercisable concurrently with the Welsh Ministers.
- (2) The functions are—
 - (a) functions of a Minister of the Crown under the following provisions of the Sea Fish (Conservation) Act 1967—
 - (i) section 1(3), (4) and (6) (size limits for fish carried by fishing boat);
 - (ii) section 3(1), (3) and (4) (regulation of nets and other fishing gear);
 - (iii) section 5 (power to restrict fishing for sea fish);
 - (iv) section 15(3) (order by Ministers as to powers of British sea-fishery officers for enforcement of the Act);
 - (b) functions of a Minister of the Crown or the Marine Management Organisation under the following provisions of the Sea Fish (Conservation) Act 1967—
 - (i) section 4 (licensing of fishing boats);
 - (ii) section 4A (licensing of vessels receiving trans-shipped fish);
 - (c) functions of a Minister of the Crown under the following provisions of the Sea Fisheries Act 1968—
 - (i) section 5(1) and (2)(a) (regulation of conduct of fishing operations);

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- (ii) section 7(1)(g) and (2) (appointment of British sea-fishery officers);
 - (d) functions of a Minister of the Crown under the following provisions of the Fisheries Act 1981—
 - (i) section 15 (schemes of financial assistance);
 - (ii) section 16 (administration schemes by Sea Fish Industry Authority);
 - (e) functions of a Minister of the Crown under section 30(2) of the Fisheries Act 1981 (enforcement of Community rules).
- (3) Any provision of section 4 or 4A of the Sea Fish (Conservation) Act 1967 requiring the consent of the Treasury to the exercise of a function does not apply in relation to the exercise of the function by the Welsh Ministers by virtue of this paragraph.
- (4) In this paragraph ““Welsh fishing boat”” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Wales as the port to which the vessel is to be treated as belonging.
- 3 (1) The powers to make regulations under sections 10ZC, 10ZD and 53 of the Representation of the People Act 1983 (registration of electors), so far as they are exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Wales, are exercisable by the Welsh Ministers concurrently with that Minister.
- (2) In sub-paragraph (1)—
- ““elections in Wales”” means—
 - (a) an election of Assembly members, or
 - (b) a local government election (within the meaning given by section 203 of the Representation of the People Act 1983) in Wales;
 - ““UK digital service”” means a digital service provided by a Minister of the Crown for the registration of electors.

Functions exercisable jointly with Welsh Ministers

- 4 Functions specified in the table below are exercisable jointly with the Welsh Ministers.

Functions exercisable concurrently or jointly with Welsh Ministers

- 5 Functions of the Secretary of State under section 272 of the Transport Act 2000 (financial assistance for inland waterway and sea freight) so far as they relate to—
- (a) the carriage of goods by an inland waterway that is partly in Wales, or
 - (b) the carriage of goods by sea where the carriage concerned is wholly or partly by sea adjacent to Wales (within the meaning of that section),
- are exercisable concurrently or jointly with the Welsh Ministers.

Interpretation

- 6 For the purposes of the entry relating to the Inheritance Tax Act 1984 in the table in paragraph 1—
- (a) a Welsh interest exists where—
 - (i) the property in question is located in Wales, or

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- (ii) the person liable to pay tax has expressed a wish or imposed a condition on his offer of the property in satisfaction of tax that it be displayed in Wales or disposed of or transferred to a body or institution in Wales;
- (b) another interest exists where—
 - (i) the property in question is located outside Wales, or
 - (ii) the person liable to pay tax has expressed a wish or imposed a condition on his offer of the property in satisfaction of tax that it be displayed outside Wales or disposed of or transferred to a body or institution outside Wales.”

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Changes and effects yet to be applied to :

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