

SCHEDULES

SCHEDULE 6

Section 69

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) and the italic heading before section 103.
- 3 (1) Section 109 (legislative competence: supplementary) is amended as follows.
 - (2) In subsection (1), for “Schedule 7” substitute “Schedule 7A or 7B”.
 - (3) In subsection (4), for paragraphs (a) and (b) substitute “has been laid before, and approved by a resolution of, each House of Parliament and the Assembly.”
 - (4) For subsection (5) substitute—
 - “(5) Any alteration of Schedule 7A or 7B, whether by virtue of the making, revocation or expiry of an Order in Council under this section or otherwise, does not (unless an enactment provides otherwise) affect—
 - (a) the validity of an Act of the Assembly passed before the alteration takes effect, or
 - (b) the previous or continuing operation of such an Act of the Assembly.”
- 4 In section 114 (power to intervene in certain cases), in subsection (1)(a), for the words from “any matter” to the end substitute “a reserved matter”.
- 5 (1) Section 116 (Welsh Seal and Letters Patent) is amended as follows.
 - (2) In the heading, for “and Letters Patent” substitute “: Letters Patent and proclamations”.
 - (3) In subsection (3), at the end insert “and all royal proclamations under section 4(2) and section 5(4), which have passed under the Welsh Seal”.
- 6 In section 116B (status of officials of body that collects and manages devolved taxes), in subsection (3), for the words from “treated” to the end substitute “not to be regarded as falling outside the Assembly’s legislative competence by virtue of section 108A(2)(b) or (c)”.
- 7 In section 116M (duty to disclose information on Welsh land transactions to HMRC), in subsection (1), for “A person who is a member of the Welsh Government” substitute “The Welsh Revenue Authority”.

Status: This is the original version (as it was originally enacted).

- 8 (1) Section 157 (orders and directions) is amended as follows.
- (2) In the heading, after “Orders” insert “, regulations”.
- (3) In subsection (1), after “an order” insert “or regulations”.
- 9 In section 158 (interpretation), in subsection (1), at the appropriate place insert—
““property” includes rights and interests of any description.”.
- 10 (1) Section 159 (index of defined expressions) is amended as follows.
- (2) Omit the entry for “the Assembly Act provisions”.
- (3) In the entry for “Assembly’s legislative competence (in relation to Acts of the Assembly)”, for “section 108” substitute “section 108A”.
- (4) Insert at the appropriate places—

“ancillary (in relation to a provision)	section 108A(7)”
“property	section 158(1)”
“reserved matters	Schedule 7A”
“devolved Welsh authority	section 157A”.

- 11 In section 161 (commencement) omit subsection (7).
- 12 In Schedule 3 (transfer etc of functions: further provision), in paragraph 3(2), for “section 58” substitute “section 58(1)”.
- 13 Omit Schedule 6 (referendums on commencement of Assembly Act provisions).
- 14 In Schedule 10 (minor and consequential amendments) omit paragraphs 14, 15, 16 and 17.

PART 2

AMENDMENTS RELATING TO ONSHORE PETROLEUM

Petroleum Act 1998 (c. 17)

- 15 (1) Section 4 of the Petroleum Act 1998 (licences: further provisions) is amended as follows.
- (2) In subsections (1A), (1B) and (1C), after “Scottish Ministers” insert “or the Welsh Ministers”.
- (3) After subsection (3A) insert—
“(3B) Any regulations made by the Welsh Ministers shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- (4) After subsection (4A) insert—

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

- “(4B) As soon as practicable after granting a licence under section 3, the Welsh Ministers shall publish notice of the fact in such manner as they think appropriate stating—
- (a) the name of the licensee; and
 - (b) the situation of the area in respect of which the licence has been granted.”
- 16 (1) Section 4A of that Act (onshore hydraulic fracturing: safeguards) is amended as follows.
- (2) In subsection (1), after “well consent” insert “for a well situated in the English onshore area”.
- (3) After subsection (1) insert—
- “(1A) The Welsh Ministers must not issue a well consent for a well situated in the Welsh onshore area that is required by an onshore licence for England or Wales unless the well consent imposes—
- (a) a condition that prohibits associated hydraulic fracturing from taking place in land at a depth of less than 1000 metres; and
 - (b) a condition that prohibits associated hydraulic fracturing from taking place in land at a depth of 1000 metres or more unless the licensee has the Welsh Ministers’ consent for it to take place (a “hydraulic fracturing consent”).”
- (4) In subsection (3), after “made” insert “to the Secretary of State”.
- (5) After subsection (3) insert—
- “(3A) Where an application is made to the Welsh Ministers, the Welsh Ministers may not issue a hydraulic fracturing consent unless—
- (a) they are satisfied that—
 - (i) the conditions in column 1 of the following table are met, and
 - (ii) the conditions in subsection (6) are met, and
 - (b) they are otherwise satisfied that it is appropriate to issue the consent.”
- (6) In subsections (4) and (5), after “Secretary of State” insert “or the Welsh Ministers”.
- (7) In subsection (7), for “which the Secretary of State thinks appropriate” substitute “thought to be appropriate by the Secretary of State or the Welsh Ministers”.
- 17 (1) Section 4B of that Act (section 4A: supplementary provision) is amended as follows.
- (2) In subsection (4)(a) and (b), after “areas” insert “in the English onshore area”.
- (3) In subsection (7)—
- (a) in paragraph (a) omit “in relation to England”;
 - (b) omit paragraph (b).
- (4) After subsection (7) insert—
- “(7A) The Welsh Ministers may, by regulations made by statutory instrument, specify—

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

- (a) the descriptions of areas in the Welsh onshore area that are “protected groundwater source areas”, and
 - (b) the descriptions of areas in the Welsh onshore area that are “other protected areas”,
- for the purposes of section 4A.
- (7B) A statutory instrument that contains regulations under subsection (7A) may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.
- (7C) Before making regulations under subsection (7A)(a), the Welsh Ministers must consult the Natural Resources Body for Wales.”
- (5) In subsection (8)—
- (a) in paragraph (a) of the definition of “relevant environmental regulator”, for “England” substitute “the English onshore area”;
 - (b) in paragraph (b) of that definition, for “Wales” substitute “the Welsh onshore area”;
 - (c) in the definition of “well consent”, after “OGA” insert “or the Welsh Ministers”.
- (6) In subsection (9)—
- (a) after “this section” insert “(as it applies to the English onshore area)”;
 - (b) after “of the power” insert “by the Secretary of State”.
- (7) After subsection (9) insert—
- “(9A) The power of the Welsh Ministers to make regulations under section 4 includes power to make such amendments of the definition of “onshore licence for England and Wales” in this section (as it applies to the Welsh onshore area) as they consider appropriate in consequence of any exercise by them of the power under section 4.”
- (8) In subsection (10)(a), after “appropriate” insert “as regards an application for a hydraulic fracturing consent in relation to land in the English onshore area”.
- (9) At the end insert—
- “(12) The Welsh Ministers may, by regulations made by statutory instrument—
- (a) make such amendments of column 2 of the table in section 4A as the Welsh Ministers consider appropriate as regards an application for a hydraulic fracturing consent in relation to land in the Welsh onshore area, and
 - (b) make such other amendments of section 4A or this section as the Welsh Ministers consider appropriate in consequence of provision made under paragraph (a).
- (13) A statutory instrument that contains regulations under subsection (12) may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.”
- 18 In section 7(2)(d) of that Act (ancillary rights)—
- (a) omit “and” at the end of sub-paragraph (i);
 - (b) after sub-paragraph (i) insert—

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

“(ia) the Welsh Ministers, in relation to licences granted in relation to the Welsh onshore area, and”.

Oil Taxation Act 1975 (c. 22)

- 19 (1) Section 12 of the Oil Taxation Act 1975 (interpretation of Part 1) is amended as follows.
- (2) In subsection (1), in paragraph (b) of the definition of “licensee”, for “the OGA” substitute “—
- (i) the Welsh Ministers, where the rights relate to oil in the Welsh onshore area (as defined in section 8A of the Petroleum Act 1998), or
 - (ii) the OGA, where the rights relate to oil elsewhere.”.
- (3) In subsection (1A)(a)(ii) (authorities that can revoke licences), after “Scottish Ministers” insert “, the Welsh Ministers”.
- 20 In Schedule 1 to that Act (determination of oil fields), in paragraph 1(2), after paragraph (ab) insert—
- “(ac) is the Welsh Ministers if the area is such that licences can be granted by the Welsh Ministers for all of it under Part 1 of the Petroleum Act 1998;
 - (ad) is the OGA and the Welsh Ministers acting jointly if the area is such that licences can be granted for part of it by the OGA and for part of it by the Welsh Ministers;”.

Taxation of Chargeable Gains Act 1992 (c. 12)

- 21 (1) Section 196 of the Taxation of Chargeable Gains Act 1992 is amended as follows.
- (2) In subsection (1)(a) and (b), for “Oil and Gas Authority” substitute “appropriate authority”.
- (3) Omit subsection (3).
- (4) In subsection (5), after “section—” insert—
- ““appropriate authority”, in relation to a UK licence means—
 - (a) in the case of a licence under Part 1 of the Petroleum Act 1998—
 - (i) the Welsh Ministers, in relation to the Welsh onshore area (as defined in section 8A of that Act);
 - (ii) otherwise, the Oil and Gas Authority;
 - (b) in the case of a licence under the Petroleum (Production) Act (Northern Ireland) 1964, the Department for the Economy;”.

Finance Act 1993 (c. 34)

- 22 (1) Section 185 of the Finance Act 1993 (abolition of petroleum revenue tax for oil fields with development consent on or after 16 March 1993) is amended as follows.
- (2) In subsection (1C)(a) and (b), for “OGA” substitute “appropriate authority”.
- (3) In subsection (2)(b), for “OGA” substitute “appropriate authority”.

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

(4) After subsection (2) insert—

“(2A) In subsections (1C) and (2), “the appropriate authority” means—

- (a) in relation to a field that is wholly within the Welsh onshore area (as defined in section 8A of the Petroleum Act 1998), the Welsh Ministers;
- (b) otherwise, the OGA.”

Capital Allowances Act 2001 (c. 2)

23 In section 556(2)(a) of the Capital Allowances Act 2001 (definition of “relevant authority”), for “, the Oil and Gas Authority” substitute “—

- (i) the Welsh Ministers, in relation to the Welsh onshore area (as defined in section 8A of that Act);
- (ii) otherwise the Oil and Gas Authority, and”.

Energy Act 2004 (c. 20)

24 In section 188 of the Energy Act 2004 (power to impose charges to fund energy functions), at the end insert—

“(13) This section applies in relation to the Welsh Ministers as it applies in relation to the Secretary of State, and in its application to the Welsh Ministers it is to be read as if—

(a) for subsections (6) and (7) there were substituted—

“(6) Regulations under this section must be made by statutory instrument and are subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(7) Section 192(4) applies in relation to the power of the Welsh Ministers to make regulations under subsection (6) as it applies in relation to an order or regulations made by the Secretary of State or the Treasury.

(7A) The references in this section to relevant energy functions are references to the functions of the Welsh Ministers under Part 1 of the Petroleum Act 1998.”, and

(b) the reference in subsection (11) to the Consolidated Fund were a reference to the Welsh Consolidated Fund.”

Corporation Tax Act 2010 (c. 4)

25 (1) Section 332DA of the Corporation Tax Act 2010 (restriction where field qualified for field allowance as new field) is amended as follows.

(2) In subsection (5), for “OGA” substitute “relevant national authority”.

(3) After subsection (5) insert—

“(5A) The relevant national authority” is—

- (a) where the relevant project relates to a field that is wholly within the Welsh onshore area (as defined in section 8A of the Petroleum Act 1998), the Welsh Ministers;

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- (b) otherwise, the OGA.”
- 26 In section 356IB of that Act (authorisation of development: oil fields), in subsection (2), in the definition of “national authority”—
- (a) omit “or” at the end of paragraph (a);
 - (b) after paragraph (a) insert—
“(aa) the Welsh Ministers, or”.
- 27 In section 356J of that Act (authorisation of development: drilling and extraction sites), in subsection (4), in the definition of “national authority”—
- (a) omit “or” or at the end of paragraph (a);
 - (b) after paragraph (a) insert—
“(aa) the Welsh Ministers, or”.

Infrastructure Act 2015 (c. 7)

- 28 (1) Section 45 of the Infrastructure Act 2015 (payment schemes relating to right to use deep-level land for purposes of exploiting petroleum or geothermal energy) is amended as follows.
- (2) In subsection (4)—
- (a) for “The regulations” substitute “Regulations under subsection (1)”;
 - (b) in paragraph (a), at the end insert “to which the regulations relate”;
 - (c) in paragraph (b), for “this section” substitute “subsection (1)”.
- (3) After subsection (4) insert—
- “(4A) Regulations under subsection (1A) may require relevant energy undertakings to provide the Welsh Ministers, or any other specified person, with specified information about—
- (a) the proposed exercise, or exercise, of the right of use to which the regulations relate;
 - (b) the making of payments in accordance with regulations under subsection (1A).”
- (4) In subsection (5), for “this section” substitute “subsection (1)”.
- (5) At the end insert—
- “(6) Before making any regulations under subsection (1A), the Welsh Ministers must consult such persons as they consider appropriate.”
- 29 (1) Section 46 of that Act (notice schemes relating to right to use deep-level land for purposes of exploiting petroleum or geothermal energy) is amended as follows.
- (2) In subsection (3), in paragraph (b), at the end insert “to which the regulations relate”.
- (3) In subsection (5)—
- (a) for “The regulations” substitute “Regulations under subsection (1)”;
 - (b) in paragraph (a), at the end insert “to which the regulations relate”;
 - (c) in paragraph (b), for “this section” substitute “subsection (1)”.
- (4) After subsection (5) insert—

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- “(5A) Regulations under subsection (1A) may require relevant energy undertakings to provide the Welsh Ministers, or any other specified person, with specified information about—
- (a) the proposed exercise, or exercise, of the right of use to which the regulations relate;
 - (b) the giving of notice in accordance with regulations under subsection (1A).”
- (5) In subsection (6), for “this section” substitute “subsection (1)”.
- (6) After subsection (6) insert—
- “(6A) Before making regulations under subsection (1A), the Welsh Ministers must consult such persons as they consider appropriate.”
- 30 (1) Section 47 of that Act (payment and notice schemes: supplementary provision) is amended as follows.
- (2) In subsection (2), after “Regulations” insert “made by the Secretary of State”.
- (3) After subsection (2) insert—
- “(2A) Regulations made by the Welsh Ministers under section 45 or 46 may confer a function on—
- (a) the Welsh Ministers, or
 - (b) any other person apart from a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).”
- (4) In subsection (5), after “review of” insert “the Secretary of State’s powers under”.
- (5) In subsection (6)—
- (a) in paragraph (a), for “45”, in both places, substitute “45(1)”;
 - (b) in paragraph (b), for “46”, in both places, substitute “46(1)”.
- (6) In subsection (7)—
- (a) for “45” substitute “45(1)”;
 - (b) for “46” substitute “46(1)”.
- 31 (1) Section 48 of that Act (interpretation) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) The Secretary of State may make regulations setting out the definition of “landward area” as it applies in relation to—
- (a) the right to use deep-level land in England for the purposes of exploiting petroleum, and
 - (b) the right to use deep-level land for the purposes of exploiting deep geothermal energy.
- (1B) The Welsh Ministers may make regulations setting out the definition of “landward area” as it applies in relation to the right to use deep-level land in Wales for the purposes of exploiting petroleum within the Welsh onshore area.

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

- (1C) Until regulations are made under subsection (1A) or (1B), “landward area” means those parts of the landward area, within the meaning of the 2014 Regulations, that are in England and Wales.”
- (3) In subsection (2)—
- (a) before the definition of “deep geothermal energy” insert—
- ““the 2014 Regulations” means the Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014 (S.I. 2014/1686), as in force on the day on which subsections (1A) to (1C) come into force;”;
- (b) after the definition of “deep-level land” insert—
- ““England” includes the sea adjacent to England out as far as—
- (a) the seaward boundary of the territorial sea, or
- (b) if nearer to the land, any boundary between waters that are treated as part of the sea adjacent to Wales and those that are not, as determined by an order made under section 158(3) of the Government of Wales Act 2006;”;
- (c) omit the definition of “landward area”;
- (d) at the end insert—
- ““Wales” has the same meaning as in the Government of Wales Act 2006 (see section 158(1) and (3) of that Act);
- “Welsh onshore area” has the same meaning as in Section D2 in Part 2 of Schedule 7A to the Government of Wales Act 2006.”
- (4) Omit subsection (3).
- 32 (1) Section 55 of that Act (regulations and orders) is amended as follows.
- (2) In subsection (4)—
- (a) in the opening words, after “instrument” insert “made by the Secretary of State”;
- (b) in paragraph (c), after “47” insert “, 48”.
- (3) After subsection (5) insert—
- “(5A) A statutory instrument made by the Welsh Ministers containing regulations under section 45, 46 or 48 may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.”
- (4) In subsection (6)(b), after “(4)” insert “or (5A)”.

PART 3

OTHER AMENDMENTS

National Audit Act 1983 (c. 44)

- 33 (1) Section 6 of the National Audit Act 1983 (public departments etc) is amended as follows.
- (2) In subsection (3) omit paragraphs (aa) and (ab).

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

- (3) In subsection (3)(b) omit the words “, Schedule 9 to the National Health Service (Wales) Act 2006”.
- (4) Omit subsection (3A).
- 34 (1) Section 8 of that Act (right to obtain documents and information) is amended as follows.
 - (2) In subsection (1) omit the words “and except in relation to an examination under section 6 above in respect of the Welsh Ministers or the National Assembly for Wales Commission”.
 - (3) Omit subsections (3), (4) and (5).
- 35 In section 9 of that Act (reports to House of Commons) omit subsection (2).

Road Traffic Regulation Act 1984 (c. 27)

- 36 (1) Section 17 of the Road Traffic Regulation Act 1984 (traffic regulation on special roads) is amended as follows.
 - (2) After subsection (3ZC) insert—
 - “(3ZCA) In relation to special roads in Wales, that power of the Secretary of State is exercisable only after consultation with the Welsh Ministers.”
 - (3) After subsection (3A) insert—
 - “(3B) Before making regulations under subsection (2), the Welsh Ministers must consult the National Park authority for any National Park that would be affected by the regulations.”
- 37 (1) Section 65 of that Act (powers of traffic authorities as to placing of traffic signs) is amended as follows.
 - (2) For “national authority”, in each place, substitute “relevant authority”.
 - (3) In subsection (3), after “Secretary of State” insert “or the Welsh Ministers”.
 - (4) In subsection (3ZB), after “with” insert “the Welsh Ministers and”.
 - (5) In subsection (3ZC), for the words from “giving” to “Ministers” substitute “the Welsh Ministers or the Scottish Ministers give a general direction under subsection (1) they”.
 - (6) After subsection (4) insert—
 - “(5) In this section “relevant authority” means—
 - (a) in relation to a function so far as exercisable within devolved competence, within the meaning of the Scotland Act 1998, means the Scottish Ministers;
 - (b) in relation to a function so far as exercisable within devolved competence, within the meaning given by section 58A(7) and (8) of the Government of Wales Act 2006, means the Welsh Ministers;
 - (c) otherwise, means the Secretary of State.”
- 38 In section 72 of that Act (powers exercisable by parish or community councils), in subsection (4), after “by the highway authority” insert “, the Welsh Ministers”.

- 39 (1) Section 81 of that Act (general speed limit for restricted roads) is amended as follows.
- (2) In subsection (3), after paragraph (a) insert—
- “(aa) if made by the Welsh Ministers, is to be made by statutory instrument and approved by a resolution of the National Assembly for Wales;”.
- (3) In subsection (4), after “with” insert “the Welsh Ministers and”.
- (4) In subsection (5), for the words from “making” to “Ministers” substitute “the Welsh Ministers or the Scottish Ministers make an order under subsection (2) they”.
- 40 In section 83 of that Act (provisions as to directions under section 82(2)), after subsection (3) insert—
- “(4) The power of the Welsh Ministers to make an order under subsection (1) is exercisable by statutory instrument.”
- 41 (1) Section 85 of that Act (traffic signs for indicating speed restrictions) is amended as follows.
- (2) After subsection (7) insert—
- “(7A) The power of the Welsh Ministers to give general directions under subsection (2) is exercisable by statutory instrument.”
- (3) In subsection (9), after “with” insert “the Welsh Ministers and”.
- (4) In subsection (10), for the words from “giving” to “Ministers” substitute “the Welsh Ministers or the Scottish Ministers give any general directions under subsection (2) they”.
- 42 (1) Section 88 of that Act (temporary speed limits) is amended as follows.
- (2) After subsection (8) insert—
- “(8A) The first order to be made under subsection (1)(b) by the Welsh Ministers is not to be made until a draft of the order has been laid before and approved by a resolution of the National Assembly for Wales.”
- (3) After subsection (11) insert—
- “(11A) The power of the Welsh Ministers to make an order under subsection (4) is exercisable by statutory instrument.
- (11B) A statutory instrument containing an order made by the Welsh Ministers under subsection (4) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- 43 (1) Section 134 of that Act (regulations) is amended as follows.
- (2) After subsection (3A) insert—
- “(3B) Before making regulations under section 25 or 64 the Secretary of State must consult with the Welsh Ministers.”
- (3) After subsection (8) insert—
- “(9) Any power conferred by this Act on the Welsh Ministers to make regulations is exercisable by statutory instrument.

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

- (10) Before making regulations under a provision of this Act (except sections 103(1), 108 to 110, Schedule 4, Schedule 8 and Schedule 12), the Welsh Ministers must consult with such representative organisations as they think fit.
- (11) A statutory instrument containing regulations made by the Welsh Ministers under this Act (except section 86) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (12) Regulations made by the Welsh Ministers under section 86 do not have effect unless approved by a resolution of the National Assembly for Wales.
- (13) Before making regulations under section 25 or 64 the Welsh Ministers must consult with the Secretary of State.”

Transport Act 1985 (c. 67)

44 In section 134 of the Transport Act 1985 (regulations, rules and orders), after subsection (5) insert—

“(6) Regulations made by the Welsh Ministers under any of the specified provisions may make different provision for different cases to which the regulations apply, and may in particular—

- (a) make different provision as respects different areas; and
- (b) make different provision as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances.

(7) The “specified provisions” are—

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

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

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

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

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

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

(8) The “specified provisions” are—

- (a) section 6(2), (3) and (9);

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

Road Traffic Act 1988 (c. 52)

- 46 In section 36 of the Road Traffic Act 1988 (offence of failing to comply with traffic sign)—
- (a) in subsections (1)(b) and (3)(a), for “national authority” substitute “relevant authority”;
 - (b) in subsection (6), after “with” insert “the Welsh Ministers and”;
 - (c) in subsection (7), for the words from “making” to “Ministers” substitute “the Welsh Ministers or the Scottish Ministers make regulations under subsection (5) they”;
 - (d) in subsection (8)—
 - (i) for ““national authority”” substitute ““relevant authority””;
 - (ii) for “section 142(1)” substitute “section 64(6A)”.

Electricity Act 1989 (c. 29)

- 47 In section 36 of the Electricity Act 1989 (consents required for construction etc of generating stations), after subsection (8) insert—
- “(8A) The Welsh Ministers may by regulations make provision about the grant of consents under section 36 in relation to generating stations in respect of which they are the appropriate authority, including in particular provision about—
- (a) the making and withdrawal of applications;
 - (b) fees;
 - (c) publicity and consultation requirements;
 - (d) rights to make representations;
 - (e) public inquiries;
 - (f) consideration of applications.
- (8B) The Welsh Ministers may by regulations make provision for applications in respect of which they are the appropriate authority to be determined by a person appointed by them for that purpose.”
- 48 In section 36C of that Act (variation of consents under section 36), after subsection (5) insert—
- “(5A) Regulations may provide that, where the Welsh Ministers are the appropriate authority, applications under this section are to be determined by a person appointed by the Welsh Ministers for that purpose.”
- 49 In section 106 of that Act (regulations and orders)—
- (a) after subsection (1A) insert—

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

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

(b) after subsection (2) insert—

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

- 50 (1) Schedule 8 to that Act (consents under sections 36 and 37) is amended as follows.
- (2) In the heading, after “consents” insert “of the Secretary of State and the Scottish Ministers”.
- (3) In paragraph 8 (supplemental), after sub-paragraph (1) insert—

“(1A) In this Schedule references to applications for consent shall not include applications to the Welsh Ministers.”

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

Human Fertilisation and Embryology Act 1990 (c. 37)

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

Judicial Pensions and Retirement Act 1993 (c. 8)

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

Government of Wales Act 1998 (c. 38)

- 54 In section 145 of the Government of Wales Act 1998 (examinations into use of resources) omit subsection (6).
- 55 In Schedule 6 to that Act (Her Majesty’s Chief Inspector of Education and Training in Wales) omit paragraph 9.

Care Standards Act 2000 (c. 14)

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

Local Government Act 2000 (c. 22)

- 57 In section 7 of the Local Government Act 2000 (power to modify enactments concerning plans etc: Wales), in subsection (9), for the words after “For the purposes of subsection (8),” substitute “section 108A of the Government of Wales Act 2006 (legislative competence) has effect as if subsection (2)(c) of that section and paragraph 1 of Schedule 7B to that Act were omitted.”
- 58 In section 77 of that Act (adjudications) omit subsection (5).

Female Genital Mutilation Act 2003 (c. 31)

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

Energy Act 2004 (c. 20)

- 60 (1) Section 192 of the Energy Act 2004 (powers exercisable by statutory instrument) is amended as follows.
- (2) In subsection (1), after “the Secretary of State” insert “, the Welsh Ministers”.
- (3) In subsection (2)(a), after “regulations” insert “made by the Secretary of State or the Treasury”.
- (4) After subsection (2) insert—
- “(2A) Where —
- (a) this Act provides for an order or regulations made by the Welsh Ministers to be subject to the negative resolution procedure, and
- (b) a draft of the order or regulations has not been required, in accordance with this or any other enactment, to be laid before and approved by a resolution of the National Assembly for Wales,
- the statutory instrument containing the order or regulations shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- (5) In subsection (3), for “the power” substitute “a power of the Secretary of State or the Treasury”.
- (6) In subsection (4), after “the Secretary of State” insert “, the Welsh Ministers”.
- 61 In Schedule 16 to that Act (applications and proposals for notices under section 95), in paragraph 9(a), after “the Secretary of State” insert “or the Welsh Ministers”.

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

Constitutional Reform Act 2005 (c. 4)

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

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

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

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

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

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

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

Legislative and Regulatory Reform Act 2006 (c. 51)

- 66 (1) Section 24 of the Legislative and Regulatory Reform Act 2006 (functions to which sections 21 and 22 apply) is amended as follows.
- (2) Omit the definition of “Welsh regulatory function” in subsection (10).
- (3) After that subsection insert—
- “(11) For the purposes of this section a regulatory function is a “Welsh regulatory function” if or to the extent that it is exercisable in relation to Wales and is a function which—
- (a) could be conferred by provision falling within the legislative competence of the National Assembly for Wales (see section 108A of the Government of Wales Act 2006), or
- (b) relates to matters in respect of which functions are exercisable by the Welsh Ministers.”
- 67 In section 27 of that Act (power to make orders, rules and schemes), in subsection (6), for paragraph (c) substitute—
- “(c) so far as they are powers that—
- (i) could be conferred by provision falling within the legislative competence of the National Assembly for Wales, or
- (ii) are exercisable in relation to matters in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government,
- shall also be exercisable by the Welsh Ministers.”

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

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

Statistics and Registration Service Act 2007 (c. 18)

- 69 In section 66 of the Statistics and Registration Service Act 2007 (devolved statistics), for subsection (3) substitute—
- “(3) In this Part “Welsh devolved statistics” means statistics which relate to the exercise of functions by a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006), other than statistics produced by a person acting on behalf of—
- (a) the Crown, or
 - (b) a public authority,
- in the exercise of functions that could not be conferred by provision falling within the legislative competence of the National Assembly for Wales (see section 108A of that Act).”

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

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

Regulatory Enforcement and Sanctions Act 2008 (c. 13)

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

Human Fertilisation and Embryology Act 2008 (c. 22)

- 72 In section 64 of the Human Fertilisation and Embryology Act 2008 (power to make consequential and transitional provision etc), in subsection (6), for the words from “a Measure” to “an Act of the Assembly)” substitute “an Act of the Assembly”.

Climate Change Act 2008 (c. 27)

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

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

Planning Act 2008 (c. 29)

- 74 In section 149A of the Planning Act 2008 (deemed consent under a marine licence), in subsection (3)(b), after “the Secretary of State” insert “or the Welsh Ministers”.
- 75 Omit section 202 of that Act (powers of National Assembly for Wales).
- 76 In Schedule 5 to that Act (provision relating to, or to matters ancillary to, development), in paragraphs 30A and 30B, after “the Secretary of State” insert “or the Welsh Ministers”.

Marine and Coastal Access Act 2009 (c. 23)

- 77 In section 12 of the Marine and Coastal Access Act 2009 (certain consents under section 36 of the Electricity Act 1989), in subsection (3)—
- (a) in paragraph (a) omit “or”;
 - (b) after paragraph (b) insert—
 - “(c) any area of the Welsh inshore region, or
 - (d) any area of the Welsh offshore region.”
- 78 In section 13 of that Act (safety zones: functions under section 95 of the Energy Act 2004), in subsection (3)—
- (a) in paragraph (a) omit “or”;
 - (b) after paragraph (b) insert—
 - “(c) any area of the Welsh inshore region, or
 - (d) any area of the Welsh offshore region.”
- 79 In section 60 of that Act (meaning of “retained functions” etc), in subsection (4), in paragraph (c) of the definition of “secondary devolved Welsh functions”, for “relating to matters within” substitute “they are capable of being conferred by provision falling within”.
- 80 (1) Section 78 of that Act (special procedure for applications relating to harbour works) is amended as follows.
- (2) In subsection (5), after “subsection (6)(c) or (d)” insert “or (6A)(b)”.
 - (3) In subsection (6), at the beginning insert “Subject to subsection (6B),”.
 - (4) After that subsection insert—
 - “(6A) The Welsh Ministers may by regulations—
 - (a) make provision falling within subsection (7) for cases where—
 - (i) the Welsh Ministers are both the marine licence authority and the harbour order authority, and
 - (ii) they have decided that the two applications are to be considered together and have given notice of that decision to the applicant;
 - (b) make provision falling within subsection (7) or (8) for cases where—
 - (i) the Welsh Ministers are both the marine licence authority and the harbour order authority, and
 - (ii) they have concluded that one of the applications is not going to be made.

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

(6B) The Secretary of State may not make provision under this section for cases where the Welsh Ministers are both the marine licence authority and the harbour order authority.”

81 (1) Section 79 of that Act (special procedure for applications relating to certain electricity works) is amended as follows.

(2) In subsection (5), after “subsection (6)(c) or (d)” insert “or (6A)(b)”.

(3) In subsection (6), at the beginning insert “Subject to subsection (6B),”.

(4) After that subsection insert—

“(6A) The Welsh Ministers may by regulations—

(a) make provision falling within subsection (7) for cases where—

(i) the Welsh Ministers are both the marine licence authority and the generating station authority, and

(ii) they have decided that the two applications are to be considered together and have given notice of that decision to the applicant;

(b) make provision falling within subsection (7) or (8) for cases where—

(i) the Welsh Ministers are both the marine licence authority and the generating station authority, and

(ii) they have concluded that one of the applications is not going to be made.

(6B) The Secretary of State may not make provision under this section for cases where the Welsh Ministers are both the marine licence authority and the generating station authority.”

(5) In subsection (9), in the definition of “generating station authority”, at the end insert—

“(c) the Welsh Ministers, in any case where the generating station application falls (or would fall) to be determined by the Welsh Ministers;”.

Welfare Reform Act 2009 (c. 24)

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

Equality Act 2010 (c. 15)

83 (1) Section 2 of the Equality Act 2010 (power to amend section 1) is amended as follows.

(2) In subsection (6), for the words from “an authority” to “correspond” substitute “a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006) whose functions correspond”.

(3) In subsection (11) omit paragraph (b).

84 (1) Section 157 of that Act (interpretation) is amended as follows.

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

(2) For subsection (2) substitute—

“(2) A relevant Welsh authority is a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006) other than the Assembly Commission.”

(3) For subsection (5) substitute—

“(5) A function is a devolved Welsh function if—

- (a) it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
- (b) provision conferring the function would be within the legislative competence of the National Assembly for Wales.”

Flood and Water Management Act 2010 (c. 29)

85 In section 28 of the Flood and Water Management Act 2010 (power to make further amendments), in subsection (3), for paragraph (a) substitute—

“(a) the Welsh Ministers, where the amendment—

- (i) relates to a matter in respect of which functions may be exercised by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
- (ii) would be within the legislative competence of the National Assembly for Wales if contained in an Act of the Assembly, and”.

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

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

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

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

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

Localism Act 2011 (c. 20)

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

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

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

Welsh Language (Wales) Measure 2011 (nawm 1)

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

Protection of Freedoms Act 2012 (c. 9)

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

“(b) associated powers.

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

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

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

Energy Act 2013 (c. 32)

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

Public Audit (Wales) Act 2013 (anaw 3)

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

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

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

Water Act 2014 (c. 21)

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

Wales Act 2014 (c. 29)

- 99 In section 6 of the Wales Act 2014 (taxation: introductory) omit subsections (3) and (7) to (9).
- 100 In section 7 of that Act (amendments relating to the Commissioners for Revenue and Customs) omit subsection (14).
- 101 Omit section 22 of that Act (budgetary procedures).

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

- 102 In section 29 of the Counter-Terrorism and Security Act 2015 (power to issue guidance), in subsection (4)(a), for “a Welsh authority” substitute “a devolved Welsh authority”.
- 103 In section 30 of that Act (power to give directions: general), in subsection (3), for “a Welsh authority” substitute “a devolved Welsh authority”.
- 104 (1) Section 35 of that Act (Chapter 1: interpretation) is amended as follows.

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

(2) For subsection (4) substitute—

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

(3) For subsection (5) substitute—

“(5) A function is a “devolved Welsh function” if—

- (a) it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
- (b) provision conferring the function would be within the legislative competence of the National Assembly for Wales.”

Deregulation Act 2015 (c. 20)

105 (1) Section 109 of the Deregulation Act 2015 (functions to which section 108 of that Act applies) is amended as follows.

(2) In subsection (3)(c), for “relates to matters which are devolved Welsh matters” substitute “could be conferred by provision falling within the legislative competence of the National Assembly for Wales”.

(3) In subsection (6) omit the definition of “devolved Welsh matter”.

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

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

107 In section 22 of that Act (meaning of “qualifying regulatory provisions” etc), in subsection (7)(c), for “section 108” substitute “section 108A”.

108 In section 39 of that Act (regulations about procurement), in subsection (4)—

- (a) after “if” insert “it is a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006) or if”;
- (b) in paragraph (b) omit “or”;
- (c) omit paragraph (c).

109 (1) Section 153C of that Act (power to relax restriction on public sector exit payments) is amended as follows.

(2) In subsections (5)(b), (8)(a) and (8)(b), for “relevant Welsh authority” substitute “devolved Welsh authority”.

(3) In subsection (9), for the definition of “relevant Welsh authority” substitute—

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

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

Housing and Planning Act 2016 (c. 22)

- 111 (1) Section 207 of the Housing and Planning Act 2016 (engagement with public authorities in relation to proposals to dispose of land) is amended as follows.
- (2) In subsection (6)—
- (a) omit “or” at the end of paragraph (a);
- (b) omit paragraph (b).
- (3) After that subsection insert—
- “(6A) Regulations under subsection (3) may not be made so to require a devolved Welsh authority to carry out engagement under subsection (2).”
- (4) In subsection (7), at the end insert—
- ““devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”
- 112 (1) Section 208 of that Act (duty of public authorities to prepare report of surplus land holdings) is amended as follows.
- (2) For subsection (10) substitute—
- “(10) Regulations may not specify a devolved Welsh authority for the purposes of subsection (1).”
- (3) In subsection (12), at the end insert—
- ““devolved Welsh authority” has the same meaning as in the Government of Wales Act 2006 (see section 157A of that Act).”

Immigration Act 2016 (c. 19)

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