

2007 No. 1118

CONSTITUTIONAL LAW

DEVOLUTION, WALES

**The National Assembly for Wales Commission (Crown Status)
Order 2007**

Made - - - - - *4th April 2007*

Laid before Parliament *11th April 2007*

Coming into force in accordance with article 1(2)

At the Court at Windsor Castle, the 4th day of April 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the power conferred on Her by paragraph 12 of Schedule 2 to the Government of Wales Act 2006(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the National Assembly for Wales Commission (Crown Status) Order 2007.

(2) This Order shall come into force immediately after the 2007 election(b).

Employers' Liability (Compulsory Insurance) Act 1969

2. The Assembly Commission shall be treated as a Crown body for the purposes of the Employers' Liability (Compulsory Insurance) Act 1969(c).

(a) 2006 c.32. Paragraph 19 of Schedule 11 provides that until the end of the initial period (as defined in section 161(5)) an Order in Council under paragraph 12 of Schedule 2 shall not be subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(b) The expression "the 2007 election" is defined in section 161(1) of the Government of Wales Act 2006 as the ordinary election held in 2007 under section 3 of the Government of Wales Act 1998 (c.38.). In accordance with section 3 of the 1998 Act the election is due to take place on 3 May 2007.

(c) 1969 c.57.

Building Act 1984

3.—(1) The Assembly Commission shall be treated as a Crown body for the purposes of the Building Act 1984(a) to the extent specified in this article.

(2) For the purposes of the following provisions the Assembly Commission shall be treated as a government department (and any reference to the Crown in those provisions shall be construed accordingly)—

- (a) section 44 (application to Crown), and
- (b) section 87 (application to Crown property).

Value Added Tax Act 1994

4.—(1) The Assembly Commission shall be treated as a Crown body for the purposes of the Value Added Tax Act 1994(b) to the extent specified in this article.

(2) In section 41 (application to the Crown) the definition of “Government department” in subsection (6) shall have effect as if before “a Northern Ireland department” there were inserted “the National Assembly for Wales Commission,”.

(3) The reference to the Crown in section 67(2)(e) (person acting on behalf of the Crown not liable to penalty under subsection (1)(c)) shall be treated as including a reference to the Assembly Commission.

Data Protection Act 1998

5.—(1) The Assembly Commission shall be treated as a Crown body for the purposes of the Data Protection Act 1998(c) to the extent specified in this article.

(2) For the purposes of the following provisions the Assembly Commission shall be treated as a government department—

- (a) section 63(2) and (5) (application to Crown),
- (b) paragraph 5 of Schedule 2 (conditions relating to processing of data for the purposes of functions of the Crown), and
- (c) paragraph 7 of Schedule 3 (conditions relating to processing of sensitive data for the purposes of functions of the Crown).

(3) References in the provisions mentioned in paragraph (4) to—

- (a) employment by or under the Crown, or
- (b) a person in the service of the Crown,

shall be treated as including employment as a member of staff of the Assembly or (as the case may be) a person so employed.

(4) The provisions are—

- (a) section 33A(2) (exemptions for certain data relating to employment under the Crown),
- (b) section 63(5) (application of certain provisions to persons in service of Crown), and
- (c) paragraph 4 of Schedule 7 (data relating to person’s suitability for employment by or under Crown).

(a) 1984 c.55.

(b) 1994 c.23. A relevant amendment is also made to section 41(6) by paragraph 39 of Schedule 10 to the Government of Wales Act 2006.

(c) 1998 c.29.

Licensing Act 2003

6. The Assembly Commission shall be treated as a Crown body for the purposes of section 195(3) of the Licensing Act 2003 (no criminal liability of Crown under the Act)(a).

Communications Act 2003

7. The Assembly Commission shall be treated as a Crown body for the purposes of section 363 of the Communications Act 2003 (requirement for television licence)(b).

Regulatory Reform (Fire Safety) Order 2005

8.—(1) The Assembly Commission shall be treated as a Crown body for the purposes of the Regulatory Reform (Fire Safety) Order 2005(c) to the extent specified in this article.

(2) References to the Crown in the following provisions shall be treated as including the Assembly Commission—

- (a) article 25(e) (meaning of “enforcing authority” in relation to certain premises owned or occupied by Crown), and
- (b) article 49(1), (2) and (4) (application to Crown).

(3) For the purposes of article 49—

- (a) the occupation of any premises by the Assembly Commission for the purposes of the Assembly is to be regarded as occupation by the Crown, and
- (b) any premises in which the Assembly Commission has an interest which is that of an owner (within the meaning of that Order) are to be regarded as premises owned by the Crown.

Meriel McCullagh
Deputy Clerk of the Privy Council

(a) 2003 c.17.
(b) 2003 c.21.
(c) S.I. 2005/1541

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the National Assembly for Wales Commission, established by section 27 of the Government of Wales Act 2006 (c.32.), to be treated as a Crown body, and as appropriate for employment by the Assembly Commission to be treated as Crown employment, for certain purposes of the following enactments—

- (a) Employers' Liability (Compulsory Insurance) Act 1969 (c.57.);
- (b) the Building Act 1984 (c.55.);
- (c) the Value Added Tax Act 1994 (c.23.);
- (d) the Data Protection Act 1998 (c.29.);
- (e) Licensing Act 2003 (c.17.);
- (f) Communications Act 2003 (c.21.);
- (g) Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541).

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