

Legislation (Procedure, Publication and Repeals) (Wales) Bill

[AS AMENDED AT STAGE 2]

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Legislation (Procedure, Publication and Repeals) (Wales) Bill

[AS AMENDED AT STAGE 2]

An Act of Senedd Cymru to promote the accessibility of Welsh law by making provision about the procedure for making and publishing Welsh legislation, and by repealing certain enactments that are no longer of practical utility or benefit, and connected purposes.

Having been passed by Senedd Cymru and having received the assent of His Majesty, it is enacted as follows:

PART 1

PROCEDURE FOR MAKING WELSH SUBORDINATE LEGISLATION

1 New Part 2A of the Legislation (Wales) Act 2019

- (1) The Legislation (Wales) Act 2019 (anaw 4) is amended as follows.
- (2) After Part 2 insert –

“PART 2A

PROCEDURE FOR MAKING WELSH SUBORDINATE LEGISLATION

Introduction

37A Welsh statutory instruments

- (1) A “Welsh statutory instrument” is a document that contains Welsh subordinate legislation made in the exercise of a power that is required by an enactment to be exercised by statutory instrument.
- (2) In subsection (1) “Welsh subordinate legislation” means subordinate legislation that is made only by –
 - (a) the Welsh Ministers, or
 - (b) any other devolved Welsh authority within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32).
- (3) The reference in subsection (1) to an enactment requiring a power to be exercised by statutory instrument includes an enactment requiring a power to be exercised by Welsh statutory instrument.
- (4) The reference in subsection (2)(a) to the Welsh Ministers includes the National Assembly for Wales as constituted by the Government of Wales Act 1998 (c. 38).

37B Interpretation

- (1) This section applies for the purposes of this Part and Part 2B.
- (2) The “responsible authority” in relation to subordinate legislation contained in a Welsh statutory instrument is –
- 5 (a) the Welsh Ministers in a case where the subordinate legislation is made, confirmed or approved by the Welsh Ministers, the First Minister or the Counsel General;
- (b) in any other case, the person who makes the subordinate legislation.
- 10 (3) Except in subsection (2) and sections 37D(6) and 37E(9), references to subordinate legislation being made by Welsh statutory instrument include subordinate legislation being confirmed or approved by Welsh statutory instrument.
- (4) A decision of a responsible authority whether to classify a Welsh statutory instrument as a local instrument is to be made according to the extent to which the subordinate legislation contained in the instrument –
- 15 (a) is of general application, or
- (b) is limited in its application to a particular area, or to particular individuals or persons.
- 20

*Senedd subordinate legislation procedures***37C Senedd approval procedure**

- (1) This section applies where an enactment provides that subordinate legislation to be made by Welsh statutory instrument is subject to the “Senedd approval procedure”.
- 25 (2) The subordinate legislation may not be made unless a draft of the Welsh statutory instrument containing it has been laid before, and approved by resolution of, Senedd Cymru.

37D Senedd confirmation procedure

- (1) This section applies where an enactment provides that subordinate legislation to be made by Welsh statutory instrument is subject to the “Senedd confirmation procedure”.
- 30 (2) The Welsh statutory instrument containing the subordinate legislation must be laid before Senedd Cymru as soon as practicable after the subordinate legislation is made.
- 35 (3) But the subordinate legislation contained in the Welsh statutory instrument ceases to have effect if it is not confirmed by resolution of Senedd Cymru before –
- (a) a period specified in the enactment ends, or
- 40 (b) an event specified in the enactment occurs.

- (4) Where the subordinate legislation ceases to have effect under subsection (3) –
- (a) in so far as the subordinate legislation is not in force when it ceases to have effect, the subordinate legislation does not come into force after that date (despite any provision in it for its coming into force),
 - (b) in so far as the subordinate legislation is in force on that date, nothing further is to be done or continued under, or in reliance on, the subordinate legislation after that date, and
 - (c) the responsible authority must, by order, revoke the subordinate legislation.
- (5) But this does not affect –
- (a) the validity of anything previously done under the subordinate legislation, or
 - (b) the making of new subordinate legislation.
- (6) An order under subsection (4)(c) is to be made by Welsh statutory instrument.

37E Senedd annulment procedure

- (1) This section applies where an enactment provides that subordinate legislation to be made by Welsh statutory instrument is subject to the “Senedd annulment procedure”.
- (2) The Welsh statutory instrument containing the subordinate legislation must be laid before Senedd Cymru as soon as practicable after the subordinate legislation is made, and subsection (6) applies if the instrument is not laid before Senedd Cymru at least 21 days before the subordinate legislation comes into force.
- (3) Senedd Cymru may, before the end of the 40 days beginning with the date on which the Welsh statutory instrument is laid before it, resolve that the subordinate legislation contained in the instrument be annulled.
- (4) Where the subordinate legislation is annulled –
- (a) in so far as the subordinate legislation is not in force on the date of the resolution, the subordinate legislation does not come into force after that date (despite any provision in it for its coming into force),
 - (b) in so far as the subordinate legislation is in force on that date, nothing further is to be done or continued under, or in reliance on, the subordinate legislation after that date, and
 - (c) the responsible authority must, by order, revoke the subordinate legislation.
- (5) But this does not affect –

(a) the validity of anything previously done under the subordinate legislation, or

(b) the making of new subordinate legislation.

5 (6) If this subsection applies, the responsible authority must explain to the Presiding Officer why the Welsh statutory instrument was not laid at least 21 days before the subordinate legislation contained in it came into force.

(7) The explanation to the Presiding Officer must be given in writing as soon as practicable after the instrument is laid before the Senedd.

10 (8) In calculating the period of 21 days mentioned in subsection (2), or the period of 40 days mentioned in subsection (3), no account is to be taken of any time during which Senedd Cymru is dissolved or in recess for more than four days.

15 (9) An order under subsection (4)(c) is to be made by Welsh statutory instrument.

37F Other Welsh statutory instruments to be laid before Senedd Cymru

(1) This section applies where an enactment conferring a power to make subordinate legislation by Welsh statutory instrument does not provide that the legislation is subject to –

20 (a) the Senedd approval procedure,

(b) the Senedd confirmation procedure, or

(c) the Senedd annulment procedure.

(2) But it does not apply where the subordinate legislation is –

25 (a) made by Welsh statutory instrument classified by the responsible authority as a local instrument,

(b) subject to special Senedd procedure, or

(c) made under an enactment specified by the Welsh Ministers by regulations.

30 (3) The Welsh statutory instrument containing the subordinate legislation must be laid before Senedd Cymru as soon as practicable after the subordinate legislation is made; and subsection (4) applies if the instrument is not laid before the subordinate legislation comes into force.

35 (4) If this subsection applies, the responsible authority must explain to the Presiding Officer why the Welsh statutory instrument was not laid before the subordinate legislation contained in it came into force.

(5) The explanation to the Presiding Officer must be given in writing as soon as practicable after the instrument is laid before the Senedd.

40 (6) In sub-section (2)(b), “special Senedd procedure” means the procedure specified in the standing orders of Senedd Cymru for subordinate legislation that is subject to special Senedd procedure.

37G Combining subordinate legislation subject to different Senedd procedures

- 5
- (1) This section applies where the responsible authority makes, or proposes to make, subordinate legislation by Welsh statutory instrument that would otherwise be subject to two or more different Senedd procedures.
- (2) The Senedd procedure that is mentioned first in subsection (3) applies and none of the other Senedd procedures apply.
- (3) The Senedd procedures are –
- 10
- (a) the Senedd approval procedure (see section 37C);
 - (b) the Senedd confirmation procedure (see section 37D);
 - (c) the Senedd annulment procedure (see section 37E);
 - (d) the requirement (only) to lay the Welsh statutory instrument before Senedd Cymru after the subordinate legislation is made (see section 37F).
- 15
- (4) If the responsible authority has made subordinate legislation in a Welsh statutory instrument to which subsection (1) applies, this does not –
- (a) prevent it from making further subordinate legislation in a Welsh statutory instrument to which that subsection does not apply, or
 - (b) affect the Senedd procedure that applies to the subordinate legislation contained in such an instrument.
- 20

Existing powers to make subordinate legislation subject to parliamentary procedure

37H Application of this Part in different circumstances

- 25
- (1) Schedule 1A applies provisions of this Part to subordinate legislation made by statutory instrument under an enactment enacted or made before this Part is in force.
- (2) Schedule 1B applies provisions of this Part, with modifications, to subordinate legislation made by the Welsh Ministers and another person other than a devolved Welsh authority, within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32).
- 30
- (3) Schedule 1C applies provisions of this Part, with modifications, to Orders in Council made by statutory instrument.”
- (3) After Schedule 1 insert –

“SCHEDULE 1A
(introduced by section 37H)

APPLICATION OF PART 2A TO PRE-COMMENCEMENT
ENACTMENTS

5 *Interpretation*

1 In this Schedule –

“pre-commencement enactment” (*“deddfiad cyn-gychwyn”*) means an enactment enacted or made before Part 2A comes into force, and

10 “statutory instrument” (*“offeryn statudol”*) means a statutory instrument within the meaning given by section 1 of the Statutory Instruments Act 1946 (c. 36).

Application of Schedule

15 2 This Schedule applies in relation to Welsh subordinate legislation (within the meaning given by section 37A(2)) that is to be made by statutory instrument under a pre-commencement enactment.

Instruments that may not be made or may not come into force unless a draft is laid before and approved by resolution of Senedd Cymru

20 3 (1) This paragraph applies where the pre-commencement enactment provides, or has the effect of providing, that the subordinate legislation –

(a) may not be made unless a draft of the statutory instrument containing it is laid before, and approved by resolution of, Senedd Cymru, or

25 (b) may be made but may not come into force unless the statutory instrument containing it is laid before, and approved by resolution of, Senedd Cymru.

(2) The pre-commencement enactment is to be read as if it instead provided for the subordinate legislation –

30 (a) to be subject to the Senedd approval procedure referred to in section 37C, and

(b) to be made by Welsh statutory instrument.

Instruments that may be made but must be confirmed by resolution of Senedd Cymru

- 4 (1) This paragraph applies where the pre-commencement enactment provides, or has the effect of providing, that the subordinate legislation may be made and laid before Senedd Cymru, but ceases to have effect unless the statutory instrument containing it is confirmed by resolution of Senedd Cymru before –
- 5
- (a) a period specified in the enactment ends, or
 - (b) an event specified in the enactment occurs.
- 10 (2) The pre-commencement enactment is to be read as if it instead it provided for the subordinate legislation –
- (a) to be subject to the Senedd confirmation procedure referred to in section 37D, and
 - (b) to be made by Welsh statutory instrument.

Instruments that may be made but are subject to annulment by resolution of Senedd Cymru

- 15 5 (1) This paragraph applies where the pre-commencement enactment provides or has the effect of providing that the subordinate legislation, or the statutory instrument containing it –
- 20
- (a) is subject to annulment in pursuance of a resolution of Senedd Cymru, or
 - (b) may be laid before Senedd Cymru in draft but may not be made if Senedd Cymru resolves that it should not be made within 40 days of it being laid.
- 25 (2) The pre-commencement enactment is to be read as if it instead provided for the subordinate legislation –
- (a) to be subject to the Senedd annulment procedure referred to in section 37E, and
 - (b) to be made by Welsh statutory instrument.

Other instruments to be laid before Senedd Cymru

- 30 6 (1) This paragraph applies where the pre-commencement enactment does not provide, or have the effect of providing, that the subordinate legislation, or the statutory instrument containing it, is subject to any of the procedures referred to in paragraphs 3, 4 or 5.
- 35 (2) The pre-commencement enactment is to be read as if –
- (a) it provides for the subordinate legislation to be made by Welsh statutory instrument;

(b) it provides, or has the effect of providing, that the statutory instrument containing the subordinate legislation must be laid before Senedd Cymru (whether or not the enactment already provides for this).

5 (3) But sub-paragraph (2)(b) does not apply to a statutory instrument that is –

(a) classified by the responsible authority as a local instrument,

(b) subject to special Senedd procedure, or

10 (c) made under an enactment specified by the Welsh Ministers by regulations.

(4) In sub-paragraph (3)(b), “special Senedd procedure” means the procedure specified in the standing orders of Senedd Cymru for subordinate legislation that is subject to special Senedd procedure.

Power to make amendments consequential upon this Schedule

15 7 The Welsh Ministers may by regulations amend any enactment to reflect the effect of, or make provision consequential upon, this Schedule.

SCHEDULE 1B

(introduced by section 37H)

20 APPLICATION OF PART 2A TO JOINT OR COMPOSITE
LEGISLATION

PART 1

INTERPRETATION

Interpretation

25 1 In this Schedule –

“post-commencement enactment” (*“deddfiad ôl-gychwyn”*) means an enactment enacted or made after Part 2A comes into force;

30 “pre-commencement enactment” (*“deddfiad cyn-gychwyn”*) means an enactment enacted or made before Part 2A comes into force;

“statutory instrument” (*“offeryn statudol”*) means a statutory instrument within the meaning given by section 1 of the Statutory Instruments Act 1946 (c. 36).

PART 2

JOINT OR COMPOSITE INSTRUMENTS MADE UNDER PRE-COMMENCEMENT ENACTMENTS

Application of Part

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2 This Part applies in relation to subordinate legislation that is to be made under a pre-commencement enactment –

(a) by the Welsh Ministers and another person, other than a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32));

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(b) by statutory instrument.

Instruments that may not be made or may not come into force unless a draft is laid before and approved by resolution of Senedd Cymru

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3 (1) This paragraph applies where the pre-commencement enactment provides, or has the effect of providing, that the subordinate legislation –

(a) may not be made unless a draft of the statutory instrument containing it is laid before, and approved by resolution of, Senedd Cymru, or

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(b) may be made but may not come into force unless the statutory instrument containing it is laid before, and approved by resolution of, Senedd Cymru.

(2) The pre-commencement enactment is to be read as if it instead provided for the subordinate legislation to be subject to the Senedd approval procedure referred to in section 37C, as modified in paragraph 12.

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Instruments that may be made but must be confirmed by resolution of Senedd Cymru

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4 (1) This paragraph applies where the pre-commencement enactment provides, or has the effect of providing, that the subordinate legislation may be made and laid before Senedd Cymru, but ceases to have effect unless the statutory instrument containing it is confirmed by resolution of Senedd Cymru before –

(a) a period specified in the enactment ends, or

(b) an event specified in the enactment occurs.

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(2) The pre-commencement enactment is to be read as if it instead it provided for the subordinate legislation to be subject to the Senedd confirmation procedure referred to in section 37D, as modified in paragraph 13.

Instruments that may be made but are subject to annulment by resolution of Senedd Cymru

- 5 (1) This paragraph applies where the pre-commencement enactment provides or has the effect of providing that a statutory instrument containing subordinate legislation –
- (a) is subject to annulment in pursuance of a resolution of Senedd Cymru, or
- (b) may be laid before Senedd Cymru in draft but may not be made if Senedd Cymru resolves that it should not be made within 40 days of it being laid.
- 10 (2) The pre-commencement enactment is to be read as if it instead provided for the subordinate legislation to be subject to the Senedd annulment procedure referred to in section 37E, as modified in paragraph 14.

15 *Other instruments to be laid before Senedd Cymru*

- 6 (1) This paragraph applies where the pre-commencement enactment does not provide, or have the effect of providing, that a statutory instrument containing subordinate legislation is subject to any of the procedures referred to in paragraphs 3, 4 or 5.
- 20 (2) The pre-commencement enactment is to be read as if it provides, or has the effect of providing, that the subordinate legislation, or the statutory instrument containing it, must be laid before Senedd Cymru (whether or not the enactment already provides for this) in accordance with section 37F, as modified in paragraph 15.

25 PART 3

JOINT OR COMPOSITE INSTRUMENTS MADE UNDER POST-COMMENCEMENT ENACTMENTS

Application of Part

- 30 7 This Part applies in relation to subordinate legislation that is to be made under a post-commencement enactment –
- (a) by the Welsh Ministers and another person, other than a devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32));
- (b) by statutory instrument.

Application of Senedd approval procedure

- 8 (1) This paragraph applies where the post-commencement enactment provides that the subordinate legislation is subject to the “Senedd approval procedure”.
- 5 (2) The subordinate legislation is subject to the Senedd approval procedure referred to in section 37C, as modified in paragraph 12.

Application of Senedd confirmation procedure

- 9 (1) This paragraph applies where the post-commencement enactment provides that the subordinate legislation is subject to the “Senedd confirmation procedure”.
- 10 (2) The subordinate legislation is subject to the Senedd confirmation procedure referred to in section 37D, as modified in paragraph 13.

Application of Senedd annulment procedure

- 10 (1) This paragraph applies where the post-commencement enactment provides that the subordinate legislation is subject to the “Senedd annulment procedure”.
- 15 (2) The subordinate legislation is subject to the Senedd annulment procedure referred to in section 37E, as modified in paragraph 14.

Application of requirement to lay statutory instrument before Senedd Cymru

- 20 11 (1) This paragraph applies where the post-commencement enactment does not provide that subordinate legislation is subject to –
- (a) the Senedd approval procedure,
 - (b) the Senedd confirmation procedure, or
 - (c) the Senedd annulment procedure.
- 25 (2) The statutory instrument containing the subordinate legislation must be laid before Senedd Cymru (whether or not the enactment already provides for this) in accordance with section 37F, as modified in paragraph 15.

PART 4

MODIFIED SENEDD PROCEDURES FOR JOINT OR COMPOSITE INSTRUMENTS

Modified Senedd approval procedure

- 30 12 (1) Sub-paragraph (2) is a modification of the Senedd approval procedure in section 37C that is applicable to the subordinate legislation to which this Schedule applies.

- (2) The subordinate legislation may not be made unless a draft of the statutory instrument containing it has been laid before, and approved by resolution of, Senedd Cymru.

Modified Senedd confirmation procedure

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13 (1) Sub-paragraphs (2) to (6) are a modification of the Senedd confirmation procedure in section 37D that is applicable to the subordinate legislation to which this Schedule applies.

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(2) The statutory instrument containing the subordinate legislation must be laid before Senedd Cymru as soon as practicable after the subordinate legislation is made.

(3) But the subordinate legislation contained in the statutory instrument ceases to have effect if it is not confirmed by resolution of Senedd Cymru before –

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- (a) a period specified in the enactment ends, or
- (b) an event specified in the enactment occurs.

(4) Where the subordinate legislation ceases to have effect under sub-paragraph (3) –

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(a) in so far as the subordinate legislation is not in force when it ceases to have effect, the subordinate legislation does not come into force after that date (despite any provision in it for its coming into force),

(b) in so far as the subordinate legislation is in force on that date, nothing further is to be done or continued under, or in reliance on, the subordinate legislation after that date, and

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(c) His Majesty may, by Order in Council, revoke the instrument.

(5) But this does not affect –

- (a) the validity of anything previously done under the subordinate legislation, or
- (b) the making of new subordinate legislation.

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(6) An Order in Council under sub-paragraph (4)(c) is to be made by statutory instrument.

Modified Senedd annulment procedure

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14 (1) Sub-paragraphs (2) to (9) are a modification of the Senedd annulment procedure in section 37E that is applicable to the subordinate legislation to which this Schedule applies.

- 5 (2) The statutory instrument containing the subordinate legislation must be laid before Senedd Cymru as soon as practicable after the subordinate legislation is made, and sub-paragraph (6) applies if the instrument is not laid before Senedd Cymru at least 21 days before the subordinate legislation comes into force.
- (3) Senedd Cymru may, before the end of the 40 days beginning with the date on which the statutory instrument is laid before it, resolve that the subordinate legislation contained in the instrument be annulled.
- 10 (4) Where the subordinate legislation is annulled –
- (a) in so far as the subordinate legislation is not in force on the date of the resolution, the subordinate legislation does not come into force after that date (despite any provision in it for its coming into force),
 - 15 (b) in so far as the subordinate legislation is in force on that date, nothing further is to be done or continued under, or in reliance on, the subordinate legislation after that date, and
 - (c) His Majesty may, by Order in Council, revoke the instrument.
- (5) But this does not affect –
- 20 (a) the validity of anything previously done under the subordinate legislation, or
 - (b) the making of new subordinate legislation.
- (6) If this sub-paragraph applies, the Welsh Ministers must explain to the Presiding Officer why the statutory instrument was not laid at least 21 days before the subordinate legislation contained in it came into force.
- 25 (7) The explanation to the Presiding Officer must be given in writing as soon as practicable after the instrument is laid before the Senedd.
- (8) In calculating the period of 21 days mentioned in sub-paragraph (2), or the period of 40 days mentioned in sub-paragraph (3), no account is to be taken of any time during which Senedd Cymru is dissolved or in recess for more than four days.
- 30 (9) An Order in Council under sub-paragraph (4)(c) is to be made by statutory instrument.

Modified procedure for laying statutory instrument before Senedd Cymru

- 35 15 (1) Sub-paragraphs (2) to (4) are a modification of the procedure for laying subordinate legislation before Senedd Cymru in section 37F that is applicable to the subordinate legislation to which this Schedule applies.

- 5
- (2) The statutory instrument containing the subordinate legislation must be laid before Senedd Cymru as soon as practicable after the subordinate legislation is made; and sub-paragraph (3) applies if the instrument is not laid before the subordinate legislation comes into force.
- (3) If this sub-paragraph applies, the Welsh Ministers must explain to the Presiding Officer why the statutory instrument was not laid before the subordinate legislation contained in it came into force.
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- (4) The explanation to the Presiding Officer must be given in writing as soon as practicable after the instrument is laid before the Senedd.

PART 5

CONSEQUENTIAL AMENDMENTS

Power to make amendments consequential upon this Schedule

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- 16 The Welsh Ministers may by regulations amend any enactment to reflect the effect of, or make provision consequential upon, this Schedule.

SCHEDULE 1C

(introduced by section 37H)

APPLICATION OF PART 2A TO ORDERS IN COUNCIL

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PART 1

INTERPRETATION

Interpretation

- 1 In this Schedule—

25 “post-commencement enactment” (*“deddfiad ôl-gychwyn”*) means an enactment enacted or made after Part 2A comes into force;

“pre-commencement enactment” (*“deddfiad cyn-gychwyn”*) means an enactment enacted or made before Part 2A comes into force;

30 “statutory instrument” (*“offeryn statudol”*) means a statutory instrument within the meaning of section 1 of the Statutory Instruments Act 1946 (c. 36).

PART 2

ORDERS IN COUNCIL MADE UNDER PRE-COMMENCEMENT ENACTMENTS

Application of Part

2 This Part applies in relation to subordinate legislation that is to be made
5 as an Order in Council by statutory instrument under a pre-commencement enactment.

Orders in Council that may not be made or may not come into force unless a draft is laid before and approved by resolution of Senedd Cymru

10 3 (1) This paragraph applies where the pre-commencement enactment provides, or has the effect of providing, that the Order in Council –

(a) may not be made unless a draft of the statutory instrument containing it is laid before, and approved by resolution of, Senedd Cymru, or

15 (b) may be made but may not come into force unless the statutory instrument containing it is laid before, and approved by resolution of, Senedd Cymru.

(2) The pre-commencement enactment is to be read as if it instead provided for the Order in Council to be subject to the Senedd approval procedure referred to in section 37C, as modified in paragraph 10.

Orders in Council that may be made but are subject to annulment by resolution of Senedd Cymru

20 4 (1) This paragraph applies where the pre-commencement enactment provides, or has the effect of providing, that the Order in Council, or the statutory instrument containing it, is subject to annulment in
25 pursuance of a resolution of Senedd Cymru.

(2) The pre-commencement enactment is to be read as if it instead provided for the Order in Council to be subject to the Senedd annulment procedure referred to in section 37E, as modified in paragraph 11.

Other Orders in Council to be laid before Senedd Cymru

30 5 (1) This paragraph applies where the pre-commencement enactment provides, or has the effect of providing, that the Order in Council, or the statutory instrument containing it, must be laid before Senedd Cymru.

- (2) This paragraph also applies where—
- (a) the provision made by the Order in Council would be within the legislative competence of Senedd Cymru if it were contained in an Act of Senedd Cymru (ignoring any requirement for consent or consultation), and
 - (b) the pre-commencement enactment does not provide, or have the effect of providing, that the Order in Council, or the statutory instrument containing it, is subject to any of the procedures referred to in paragraphs 3 or 4 or that it must be laid before Senedd Cymru.
- (3) The pre-commencement enactment is to be read as if it provides, or has the effect of providing, that the Order in Council, or the statutory instrument containing it, must be laid before Senedd Cymru in accordance with section 37F, as modified in paragraph 12.

PART 3

ORDERS IN COUNCIL MADE UNDER POST-COMMENCEMENT ENACTMENTS

Application of Part

- 6 This Part applies in relation to subordinate legislation that is to be made as an Order in Council by statutory instrument under a post-commencement enactment.

Application of Senedd approval procedure

- 7 (1) This paragraph applies where the post-commencement enactment provides that the Order in Council, or the statutory instrument containing it, is subject to the “Senedd approval procedure”.
- (2) The Order in Council is subject to the Senedd approval procedure referred to in section 37C, as modified in paragraph 10.

Application of Senedd annulment procedure

- 8 (1) This paragraph applies where the post-commencement enactment provides that the Order in Council, or the statutory instrument containing it, is subject to the “Senedd annulment procedure”.
- (2) The Order in Council is subject to the Senedd annulment procedure referred to in section 37E, as modified in paragraph 11.

Application of requirement to lay statutory instrument before Senedd Cymru

- 5
- 9 (1) This paragraph applies where the post-commencement enactment provides, or has the effect of providing, that the Order in Council, or the statutory instrument containing it, must be laid before Senedd Cymru.
- (2) This paragraph also applies where –
- 10 (a) the provision made by the Order in Council would be within the legislative competence of Senedd Cymru if it were contained in an Act of Senedd Cymru (ignoring any requirement for consent or consultation), and
- (b) the post-commencement enactment does not provide that the Order in Council, or the statutory instrument containing it, is subject to –
- 15 (i) the Senedd approval procedure,
- (ii) the Senedd confirmation procedure, or
- (iii) the Senedd annulment procedure,
- or that it must be laid before Senedd Cymru.
- (3) The statutory instrument containing the Order in Council must be laid before Senedd Cymru in accordance with section 37F, as modified in paragraph 12.
- 20

PART 4

MODIFIED SENEDD PROCEDURES FOR ORDERS IN COUNCIL

Modified Senedd approval procedure

- 25
- 10 (1) Sub-paragraph (2) is a modification of the Senedd approval procedure in section 37C that is applicable to an Order in Council.
- (2) The Order in Council may not be made unless a draft of the statutory instrument containing it has been laid before, and approved by resolution of, Senedd Cymru.

Modified Senedd annulment procedure

- 30
- 11 (1) Sub-paragraphs (2) to (9) are a modification of the Senedd annulment procedure in section 37E that is applicable to an Order in Council.
- (2) The statutory instrument containing the Order in Council must be laid before Senedd Cymru as soon as practicable after the Order in Council is made, and sub-paragraph (6) applies if the instrument is not laid before Senedd Cymru at least 21 days before the Order in Council comes into force.
- 35

- (3) Senedd Cymru may, before the end of the 40 days beginning with the date on which the statutory instrument is laid before it, resolve that the Order in Council be annulled.
- (4) Where the Order in Council is annulled –
- 5 (a) in so far as the Order in Council is not in force on the date of the resolution, the Order in Council does not come into force after that date (despite any provision in it for its coming into force),
- (b) in so far as the Order in Council is in force on that date, nothing further is to be done or continued under, or in reliance on, the
- 10 Order in Council after that date, and
- (c) His Majesty may, by Order in Council, revoke the instrument.
- (5) But any such resolution or revocation does not affect –
- (a) the validity of anything previously done under the instrument, or
- 15 (b) the making of a new Order in Council.
- (6) If this sub-paragraph applies, the Welsh Ministers must explain to the Presiding Officer why the statutory instrument was not laid at least 21 days before the Order in Council contained in it came into force.
- (7) The explanation to the Presiding Officer must be given in writing as soon as practicable after the instrument is laid before the Senedd.
- 20 (8) In calculating the period of 21 days mentioned in sub-paragraph (2), or the period of 40 days mentioned in sub-paragraph (3), no account is to be taken of any time during which Senedd Cymru is dissolved or in recess for more than four days.
- 25 (9) An Order in Council under sub-paragraph (4)(c) is to be made by statutory instrument.

Modified procedure for laying statutory instrument before Senedd Cymru

- 12 (1) Sub-paragraphs (2) to (4) are a modification of the procedure for laying subordinate legislation before Senedd Cymru in section 37F that is
- 30 applicable to an Order in Council.
- (2) The statutory instrument containing the Order in Council must be laid before Senedd Cymru as soon as practicable after the Order in Council is made; and sub-paragraph (3) applies if the instrument is not laid before the Order in Council comes into force.

- (3) If this sub-paragraph applies, the Welsh Ministers must explain to the Presiding Officer why the statutory instrument was not laid before the Order in Council contained in it came into force.
- (4) The explanation to the Presiding Officer must be given in writing as soon as practicable after the instrument is laid before the Senedd.

PART 5

CONSEQUENTIAL AMENDMENTS

Power to make amendments consequential upon this Schedule

13 The Welsh Ministers may by regulations amend any enactment to reflect the effect of, or make provision consequential upon, this Schedule.”

2 Road traffic orders not required to be made by Welsh statutory instrument

- (1) In section 325 of the Highways Act 1980 (c. 66) (provisions as to regulation, schemes and orders), after subsection (1) insert –

“(1A) But powers conferred by this Act on the Welsh Ministers are not exercisable by Welsh statutory instrument (see Schedule 1A to the Legislation (Wales) Act 2019 (anaw 4)) where provision made under the power –

(a) is of temporary application, or

(b) is not subject to the Senedd approval procedure, the Senedd confirmation procedure or the Senedd annulment procedure;

(and a power conferred by this Act on the Welsh Ministers to make such a provision includes a power to revoke or vary the provision, which is not exercisable by Welsh statutory instrument).”

- (2) In section 124 of the Road Traffic Regulation Act 1984 (c. 27) (provisions as to orders), after subsection (2) insert –

“(3) But in relation to the exercise by the Welsh Ministers of a power to make an order under or by virtue of sections 1, 9, 14, 16A, 29 or 84 –

(a) the requirement in subsection (2) to make the order by Welsh statutory instrument (see Schedule 1A to the Legislation (Wales) Act 2019 (anaw 4)) does not apply, and

(b) the Welsh Ministers’ power includes a power to make an order to revoke or vary an order previously made under or by virtue of those sections, and the requirement in subsection (2) does not apply to such an order.”

PART 2

PUBLICATION ETC. OF WELSH LEGISLATION

3 New Part 2B of the Legislation (Wales) Act 2019

In the Legislation (Wales) Act 2019 (anaw 4), after Part 2A (as inserted by Part 1 of this Act) insert—

“PART 2B

PUBLICATION ETC. OF WELSH LEGISLATION

Introduction

37I The King’s Printer for Wales

- (1) This Part confers functions on the King’s Printer of Acts of Parliament in respect of Acts of Senedd Cymru, Welsh statutory instruments and related documents.
- (2) In this Part, the King’s Printer of Acts of Parliament is referred to as “the King’s Printer for Wales”.
- (3) And in exercising the functions conferred upon the King’s Printer of Acts of Parliament under this Part, that person is to be referred to as the “the King’s Printer for Wales”.

Preservation and publication of Acts of Senedd Cymru

37J Numbering of Acts of Senedd Cymru

- (1) Acts of Senedd Cymru are to be numbered in relation to each calendar year—
 - (a) consecutively (starting with number 1),
 - (b) in the order in which, during that year, the Bill for each Act received Royal Assent, and
 - (b) using the prefix “asc”.
- (2) Accordingly, on each copy of an Act of Senedd Cymru on which the Clerk of the Senedd writes the Royal Assent date of that Act (in accordance with section 115(5) of the Government of Wales Act 2006 (c. 32)), the Clerk must also write—
 - (a) the calendar year in which the Bill for that Act received Royal Assent, and
 - (b) the prefix and number of that Act.
- (3) The calendar year, prefix and number written on the copy of the Act form part of the Act.

37K Official prints and certified copies of Acts of Senedd Cymru

- (1) The copy of an Act of Senedd Cymru on which the Clerk of the Senedd writes the Royal Assent date, the calendar year, prefix and number is to be known as the “official print” of the Act.
- (2) The Clerk of the Senedd must –
- (a) make a copy of the official print and certify it as a true copy, and
 - (b) send –
 - (i) the official print to the National Library of Wales, and
 - (ii) the certified copy of the official print to the King’s Printer for Wales.
- (3) The certified copy of the official print of an Act may be in electronic form.

37L Preservation of Acts of Senedd Cymru

The National Library of Wales must ensure that an official print of an Act of Senedd Cymru received by it –

- (a) is preserved, and
- (b) is available for public inspection at all reasonable times.

37M Publication of Acts of Senedd Cymru

- (1) The King’s Printer for Wales must publish the certified copy of the official print of an Act of Senedd Cymru as soon as practicable after receiving it.
- (2) The King’s Printer for Wales must also publish, as soon as practicable after receiving it, any document related to the certified copy of the official print of an Act of Senedd Cymru that –
- (a) the Clerk of the Senedd asks the King’s Printer for Wales to publish;
 - (b) the Welsh Ministers ask the King’s Printer for Wales to publish.
- (3) In this section, the requirement to publish means publishing online (but see also section 37Y in relation to the sale of printed copies).

Preservation and publication of Welsh statutory instruments

37N Official versions and certified copies of Welsh statutory instruments

- (1) As soon as practicable after a Welsh statutory instrument is made, the responsible authority must make and send a certified copy of the instrument to –

- (a) the National Library for Wales, and
 - (b) the King's Printer for Wales.
- (2) When sending a certified copy of a Welsh statutory instrument to the King's Printer for Wales in accordance with subsection (1)(b), the responsible authority must also provide the following information –
- (a) the date on which the instrument was made;
 - (b) the date or dates the instrument comes into force, or a description of how it is to come into force;
 - (c) the subject heading or headings that the responsible authority has assigned to the instrument, based on its subject matter;
 - (d) the Senedd procedure (see Part 2A) to which the subordinate legislation contained in the instrument is subject.
- (3) A certified copy of a Welsh statutory instrument –
- (a) is a copy of that instrument that is certified by the responsible authority as being a true copy, and
 - (b) may be in electronic form.
- (4) The requirement to send a certified copy of a Welsh statutory instrument to the National Library for Wales does not apply to an instrument classified by the responsible authority as a local instrument.

37O Preservation of Welsh statutory instruments

The National Library of Wales must ensure that a certified copy of a Welsh statutory instrument it receives from a responsible authority is –

- (a) preserved, and
- (b) available for public inspection at all reasonable times.

37P Numbering and classification of Welsh statutory instruments

- (1) Welsh statutory instruments are to be –
- (a) allocated to the series of Welsh statutory instruments for the calendar year in which they are made, and
 - (b) numbered within that series –
 - (i) consecutively (starting with number 1), and
 - (ii) as nearly as may be in the order in which they are received.
- (2) Accordingly, as soon as practicable after receiving a certified copy of a Welsh statutory instrument, the King's Printer for Wales must –
- (a) allocate and number the instrument in accordance with subsection (1), and
 - (b) affirm the subject heading or headings assigned to the instrument by the responsible authority.

- (3) When assigning a number to a Welsh statutory instrument in accordance with subsection (2), the King's Printer for Wales may assign a further, subsidiary, number to the instrument (within the series to which the instrument is allocated).

5 **37Q Publication of Welsh statutory instruments**

- (1) This section applies where the King's Printer for Wales has received –
- 10 (a) a certified copy of a Welsh statutory instrument sent in accordance with section 37N(1), and
- (b) the information referred to in section 37N(2) relating to the instrument.
- (2) The King's Printer for Wales must, as soon as practicable, publish the instrument in the form shown in the certified copy and, in doing so, incorporate the following matters –
- 15 (a) the series heading "WELSH STATUTORY INSTRUMENTS";
- (b) the calendar year of the series of Welsh statutory instruments to which the instrument has been allocated in accordance with section 37P(1)(a), followed by "No." and the number assigned to it in accordance with section 37P(1)(b) (for example, "2026 No. 1");
- 20 (c) the subject heading or headings of the instrument affirmed under section 37P(2)(b);
- (d) a statement showing the date on which the instrument was made;
- 25 (e) except in the case of an instrument that makes provision only in respect of when another enactment is to come into force, a statement showing the date or dates the instrument comes into force or describing how the instrument is to come into force.
- (3) The King's Printer for Wales must also publish, as soon as practicable after receiving it, any document related to a certified copy of a Welsh statutory instrument that the responsible authority asks the King's Printer for Wales to publish.
- 30 (4) In this section, the requirement to publish means publishing online (but see also section 37Y in relation to the sale of printed copies).

35 **37R Publication of Welsh statutory instruments subject to Senedd confirmation procedure**

- (1) This section applies where a Welsh statutory instrument contains subordinate legislation that has effect subject to the Senedd confirmation procedure (as to which see section 37D).
- 40 (2) The responsible authority must, as soon as practicable, notify the King's Printer for Wales –

- (a) that the instrument has been confirmed by Senedd Cymru or has ceased to have effect as a result of not being confirmed (as the case may be), and
- (b) of the date on which that occurred.

- 5
- (3) Where the King's Printer for Wales has been notified that the Welsh statutory instrument has been confirmed by Senedd Cymru, in publishing the instrument the King's Printer for Wales must incorporate (in addition to the matters mentioned in section 37Q(2)) a statement showing that the instrument has been confirmed.

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37S Proceedings for offence under unpublished Welsh statutory instrument: defence

- 15
- (1) This section applies to proceedings against a person for an offence consisting of a contravention of a provision in subordinate legislation contained in a Welsh statutory instrument.
- (2) It is a defence for the person to prove that, at the date of the alleged contravention, the instrument had not been published by the King's Printer for Wales in accordance with section 37Q.
- (3) But this defence is not available if it is proved that other reasonable steps had been taken before that date, by or on behalf of the responsible authority, to bring the offence to the notice of –
- 20
- (a) the public,
 - (b) persons likely to be affected by it, or
 - (c) the person charged.
- (4) Subsections (2) and (3) do not affect any enactment or rule of law relating to the time at which any subordinate legislation made by Welsh statutory instrument comes into force.
- 25

37T Draft Welsh statutory instruments

- 30
- (1) The King's Printer for Wales must publish, as soon as practicable after receiving it, a certified copy of a draft of a Welsh statutory instrument that the responsible authority asks the King's Printer for Wales to publish.
- (2) A certified copy of a draft of a Welsh statutory instrument –
- (a) is a copy of that draft that is certified by the responsible authority as being a true copy, and
 - (b) may be in electronic form.
- 35
- (3) In this section –
- (a) the requirement to publish means publishing online (but see also section 37Y in relation to the sale of printed copies);

- (b) “the responsible authority” means the person who would be the responsible authority if the Welsh statutory instrument were made.

Publication of Welsh legislation in up-to-date form

37U Publication of effects of legislation

- (1) Where an Act of Senedd Cymru or Welsh statutory instrument contains one or more provisions that amend, repeal or revoke enactments, the King’s Printer for Wales must prepare and publish a table showing the effects of the Act or instrument on those enactments.
- (2) A table relating to an Act of Senedd Cymru must be published as soon as practicable after the certified copy of the official print of the Act is published under section 37M.
- (3) A table relating to a Welsh statutory instrument must be published as soon as practicable after the instrument is published under section 37Q.
- (4) In this section the requirement to publish means publishing online.

37V Publication of Welsh legislation as amended

- (1) This section applies where an enactment amends Welsh legislation.
- (2) The King’s Printer for Wales must publish the legislation as it has been amended.
- (3) The King’s Printer for Wales must, so far as practicable, fulfil the duty in subsection (2) from the time an amendment comes into force.
- (4) Where an amendment has not yet come into force, the King’s Printer for Wales may also publish the legislation as it will be amended, if it clearly indicates that the amendment has not yet come into force.
- (5) In this section –
- (a) the requirement to publish means publishing online;
 - (b) “Welsh legislation” means –
 - (i) an Assembly Measure or Act of Senedd Cymru;
 - (ii) a Welsh statutory instrument.

Legislation record

37W Record of Welsh legislation

- (1) The King’s Printer for Wales must maintain and publish a record that includes –
- (a) the information referred to in subsection (2) about each Act of Senedd Cymru published under section 37M;

(b) the information referred to in subsection (3) about each Welsh statutory instrument published under section 37Q.

(2) The information (in relation to Acts of Senedd Cymru) is –

(a) the title;

(b) the calendar year it received Royal Assent;

(c) the prefix and number written on the Act in accordance with section 37J;

(d) the date on which the certified copy of the official print of the Act was published.

(3) The information (in relation to Welsh statutory instruments) is –

(a) the title;

(b) the calendar year it was made;

(c) the number assigned to it under section 37P(2);

(d) the date on which the instrument was published.

(4) In this section the requirement to publish means publishing online.

37X Evidential status of record

In any legal proceedings the date in the record published in accordance with section 37W in respect of a Welsh statutory instrument is to be treated as conclusive evidence of the date on which the instrument was first published by the King's Printer for Wales.

King's Printer for Wales: printing and selling

37Y Printing and selling Welsh legislation and related documents

(1) The King's Printer for Wales may print and sell copies of any of the following documents –

(a) an Assembly Measure;

(b) an Act of Senedd Cymru;

(c) a Welsh statutory instrument;

(d) a draft of a Welsh statutory instrument;

(e) explanatory notes for an Assembly Measure or Act of Senedd Cymru;

(f) any other document related to an Assembly Measure or Act of Senedd Cymru, if the Clerk of the Senedd or the Welsh Ministers have asked for the document to be published;

(g) any document related to a Welsh statutory instrument, if the responsible authority has asked for the document to be published.

- (2) Subsections (3) and (4) apply where the King's Printer for Wales receives a request from any person for a printed copy of any of the following documents –
- (a) an Assembly Measure;
 - (b) an Act of Senedd Cymru;
 - (c) a Welsh statutory instrument, other than an instrument classified by the responsible authority as a local instrument;
 - (d) explanatory notes for an Assembly Measure or Act of Senedd Cymru, if the Clerk of the Senedd or the Welsh Ministers have asked for them to be published.
- (3) The King's Printer for Wales must print a copy of the document and send it to the address specified by the person who made the request.
- (4) But the King's Printer for Wales may impose a charge for printing and sending a copy of a document in accordance with subsection (2), and need not print and send a copy of the document until the charge has been paid.

Publication of subordinate legislation not made by Welsh statutory instrument

37Z Welsh Ministers to publish subordinate legislation not made by statutory instrument

- (1) This section applies to a Welsh subordinate instrument, within the meaning given by section 3(2), containing only subordinate legislation that –
- (a) is made by the Welsh Ministers, and
 - (b) is not required to be made by Welsh statutory instrument (and in consequence is not subject to the requirements that apply to such an instrument under this Part).
- (2) The Welsh Ministers must prepare and publish a determination about the numbering and classification of Welsh subordinate instruments to which this section applies.
- (3) The Welsh Ministers must, as soon as practicable after making such an instrument –
- (a) allocate a number and year to the instrument in accordance with the determination,
 - (b) classify the instrument in accordance with the subject matter of the instrument or any other matter referred to in the determination, and
 - (c) publish the instrument online.

General

37Z1 References to Welsh statutory instruments

A Welsh statutory instrument may be referred to –

- (a) by its title in Welsh or English (whether or not the provision conferring the title is in force), or
- (b) by the prefix “W.S.I.” and its year and number (for example “W.S.I. 2026/1”), where –
 - (i) the year is the calendar year of the series of Welsh statutory instruments to which the instrument was allocated in accordance with section 37P(1)(a);
 - (ii) the number is the number assigned to the instrument in accordance with section 37P(1)(b).

37Z2 The King’s Printer for Wales: delegation of functions

- (1) A function conferred on the King’s Printer for Wales under this Part may be carried out on the King’s Printer for Wales’ behalf by another person authorised by the King’s Printer for Wales.
- (2) Where a function is carried out by another person by virtue of subsection (1) –
 - (a) the King’s Printer for Wales remains responsible for the carrying out of the function, and
 - (b) anything done by the person authorised under that subsection in pursuance of the authorisation is to be treated as done by the King’s Printer for Wales.”

PART 3

REPEALS OF WELSH LEGISLATION

4 Repeals and connected amendments

Schedule 1 contains –

- (a) repeals of certain enactments (including by amending those enactments to disapply them in relation to Wales) that are no longer of practical utility or benefit;
- (b) provision in connection with those repeals.

PART 4

GENERAL

5 Minor amendments to the Legislation (Wales) Act 2019

Schedule 2 contains minor amendments to the Legislation (Wales) Act 2019 (anaw 4).

6 Consequential amendments

Schedule 3 contains amendments consequential upon this Act.

7 Coming into force

- 5 (1) This section and section 8 come into force on the day after the day on which this Act receives Royal Assent.
- (2) The following provisions come into force at the end of the period of two months beginning with the day on which this Act receives Royal Assent –
- 10 (a) section 2, except that the references to a “Welsh statutory instrument” in the text inserted by subsections (1) and (2) are to be read as a “statutory instrument” until Part 2A of the Legislation (Wales) Act 2019 comes into force;
- (b) section 4;
- (c) section 5;
- (d) Schedule 1;
- (e) Schedule 2.
- 15 (3) But if paragraph 29(2) of Schedule 8 to the Levelling-up and Regeneration Act 2023 (c. 55) (amendment to section 1(1) of the Planning and Energy Act 2008 (c. 21)) is not in force at the end of the period mentioned in subsection (2), paragraph 22(2)(a)(i) of Schedule 1 comes into force when paragraph 29(2) of Schedule 8 to that Act comes into force.
- 20 (4) The other provisions of this Act come into force on a day (or days) appointed by the Welsh Ministers in an order made by statutory instrument.
- (5) An order under subsection (4) may include transitional or saving provision.

8 Short title

This Act may be referred to as –

- 25 (a) the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025, or
- (b) Deddf Deddfwriaeth (Gweithdrefn, Cyhoeddi a Diddymiadau) (Cymru) 2025.

SCHEDULE 1
(introduced by section 4)

REPEALS AND CONNECTED AMENDMENTS

PART 1

RURAL DEVELOPMENT BOARDS

5

Agriculture Act 1967 (c. 22)

1 (1) The Agriculture Act 1967 is amended as follows.

(2) In section 45 (Rural Development Boards) –

(a) in subsection (1), after “any area” insert “, other than an area in Wales,”;

10

(b) omit subsection (10).

(3) In section 46(3) (functions of Rural Development Boards) omit the words from “, and, in relation to Wales,” to the end.

(4) In section 49(8) (control of sale of certain land), in paragraph (i) of the definition of “appropriate tribunal” omit “and Wales”.

15

(5) In section 50(3)(g) (control of sale of land: exceptions) omit “, the Natural Resources Body for Wales”.

(6) In section 51, omit subsection (8) (reshaping or amalgamation schemes: meaning of “appropriate Minister”).

(7) In section 52, omit subsection (16) (appeals: meaning of “appropriate Minister”).

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(8) In section 54, omit subsection (5) (directions: meaning of “appropriate Minister”).

(9) In section 57(1) (interpretation of Part 3), in the definition of “appropriate forestry authority” omit “and the Natural Resources Body for Wales in relation to Wales”.

(10) In section 75(2) (interpretation), in the definition of “local authority” omit “, in Wales, the council of a county or county borough”.

25

Local Government (Wales) Act 1994 (c. 19)

2 In Schedule 16 to the Local Government (Wales) Act 1994 (consequential amendments), omit paragraph 30 and the italic heading before it.

Government of Wales Act 2006 (c. 32)

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3 In Schedule 3A to the Government of Wales Act 2006 (functions of Ministers of Crown etc. exercisable concurrently or jointly with Welsh Ministers), in the table in paragraph 1(2), omit the entry for the Agriculture Act 1967.

PART 2

ENTERPRISE ZONE AREAS

Local Government, Planning and Land Act 1980 (c. 65)

- 4 (1) Schedule 32 to the Local Government, Planning and Land Act 1980 (enterprise zones) is
5 amended as follows.
- (2) In paragraph 1 (invitation to prepare scheme) –
- (a) in sub-paragraph (1) –
- (i) omit “and Wales”;
- (ii) omit paragraph (aa);
- 10 (b) in sub-paragraph (3), omit “county, county borough”.
- (3) In paragraph 2(2)(a) (draft scheme) omit sub-paragraph (iia) (but not the “and” after it).
- (4) In paragraph 7(2) (right of entry) omit “and Wales”.

Local Government (Wales) Act 1994 (c. 19)

- 5 In Schedule 16 to the Local Government (Wales) Act 1994, in paragraph 59(9) (amendments
15 to the Local Government, Planning and Land Act 1980 (c. 65)) –
- (a) omit paragraphs (a) and (b), and the “and” after them;
- (b) in paragraph (c), omit the words from “and after” to the end.

Mobile Homes (Wales) Act 2013 (anaw 6)

- 6 In section 39(4) of the Mobile Homes (Wales) Act 2013 (interpretation), omit the words
20 from “, and any reference” to the end.

PART 3

HOUSING ACTION TRUSTS

Housing Act 1988 (c. 50)

- 7 (1) Part 3 of the Housing Act 1988 (housing action trust areas) is amended as follows.
- 25 (2) In section 60(1) (housing action trust areas), after “land” insert “in England”.
- (3) In section 61 (consultation and publicity) –
- (a) omit subsection (1);
- (b) in subsection (2), omit “or secure contract-holders or introductory standard
contract-holders”;
- 30 (c) omit subsection (6).
- (4) In section 66(4) (planning control) –

- (a) in paragraph (a) omit “Wales,”;
- (b) in paragraph (b) after “land” insert “in England”.
- (5) In section 75(3) (supplementary provision as to transfer orders), omit “, tenant who is a secure contract-holder or tenant who is an introductory standard contract-holder”.
- 5 (6) In section 79 (disposal of land) –
- (a) in subsection (2) –
- (i) omit “, a tenancy which is a secure contract or a tenancy which is an introductory standard contract”;
- (ii) at the end of paragraph (za) insert “or”;
- 10 (iii) omit paragraph (a) and the “or” after it;
- (b) in subsection (5A) omit “, tenancies which are secure contracts and tenancies which are introductory standard contracts”.
- (7) in section 82 (legal assistance) –
- (a) in subsection (1) –
- 15 (i) in paragraph (a) for “, introductory tenant, secure contract holder or introductory standard contract-holder” substitute “or the introductory tenant”;
- (ii) in paragraph (b) for “, introductory tenant, secure contract-holder, or introductory standard contract-holder” substitute “or the introductory tenant”;
- 20 (b) in subsection (5), omit paragraph (b), and the “and” before it.
- (8) In section 84 (provisions applicable to secure tenancies etc.) –
- (a) in subsection (1)(a) –
- 25 (i) for “, introductory tenancies, tenancies which are secure contracts or tenancies which are introductory standard contracts” substitute “or introductory tenancies”;
- (ii) for “, an introductory tenant, a tenant who is a secure contract-holder or a tenant who is an introductory contract-holder” substitute “or an introductory tenant”;
- 30 (b) in subsection (4) –
- (i) omit “the tenant who is the secure contract-holder, the tenant who is the introductory standard contract-holder,”;
- (ii) in paragraph (c) omit “tenant who is a secure contract-holder, tenant who is an introductory contract-holder,”.
- 35 (9) In section 84A (transfer by order) –
- (a) in subsection (6) omit “a tenancy which is a secure contract, a tenancy which is an introductory standard contract,”;
- (b) in subsection (7)(a) omit “tenancies which are secure contracts or tenancies which are introductory standard contracts”.
- 40 (10) In section 85 (rents), omit subsection (3).

- (11) In section 86(1) (increase of rent), for “an introductory tenancy, or an occupation contract” substitute “or an introductory tenancy”.
- (12) In section 92 (interpretation of Part 3), omit subsection (1A).
- (13) In Schedule 8 (housing action trusts: finance etc.), in paragraph 5 for sub-paragraph (3) substitute –
- “(3) Any sums required by the Treasury for fulfilling a guarantee under this paragraph are to be charged on and issued out of the Consolidated Fund.”

Planning (Hazardous Substances) Act 1990 (c. 10)

- 8 In section 3(5C) of the Planning (Hazardous Substances) Act 1990 (hazardous substances authorities) omit “or (5)”.

Local Government (Wales) Act 1994 (c. 19)

- 9 In Schedule 8 to the Local Government (Wales) Act 1994, in paragraph 9 –
- (a) omit sub-paragraph (1) (amendment to Part 3 of the Housing Act 1988 (c. 50));
- (b) in sub-paragraph (2), for “that Act” substitute “the Housing Act 1988”.

Housing Act 1996 (c. 52)

- 10 In Schedule 3 to the Housing Act 1996 (social rented sector: minor amendments), omit paragraph 11.

Government of Wales Act 1998 (c. 38)

- 11 In Schedule 17 to the Government of Wales Act 1998 omit paragraph 3 (housing action trusts in Wales).

Government of Wales Act 2006 (c. 32)

- 12 In Schedule 10 to the Government of Wales Act 2006 omit paragraph 33 (insertion of paragraph 5(3) into Schedule 8 to the Housing Act 1988) and the italic heading before it.

Police and Justice Act 2006 (c. 48)

- 13 In section 53(9) of the Police and Justice Act 2006 omit paragraph (c) (“relevant Welsh landlord” includes housing action trust).

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

- 14 In section 20(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (interpretation etc.), in the definition of “housing provider”, at the beginning of paragraph (b) insert “in relation to England,”.

Deregulation Act 2015 (c. 20)

15 In Schedule 22 to the Deregulation Act 2015 omit paragraph 9 (designation of housing action trust areas: consultation in relation to Wales) and the italic heading before it.

Renting Homes (Wales) Act 2016 (anaw 1)

- 5 16 (1) The Renting Homes (Wales) Act 2016 is amended as follows.
- (2) In section 9(2) (community landlords), omit paragraph (c).
- (3) In section 243 (meaning of “local authority” etc.), omit subsection (4).
- (4) In section 253 (index), in table 2 omit the entry for a housing action trust.
- 10 (5) In Schedule 3 (occupation contracts which may be standard contracts), in paragraph 7(2) omit paragraph (c).

Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (anaw 1)

- 17 In Schedule 15 to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 –
- (a) in paragraph 2(3) (discounted sales by public sector bodies), omit paragraph (e);
- 15 (b) in paragraph 9(3) (bodies granting shared ownership leases), omit paragraph (c);
- (c) in paragraph 10(8) (beneficiaries of shared ownership trusts), omit paragraph (c);
- (d) in paragraph 19(3) (sales to registered social landlords), in the definition of “qualifying body”, omit paragraph (b).

PART 4

20 LOCAL PLANS, STRUCTURE PLANS AND UNITARY DEVELOPMENT PLANS

Town and Country Planning Act 1990 (c. 8)

18 In Schedule 2 to the Town and Country Planning Act 1990, omit Part 1A (development plans: transitional provisions relating to Wales).

Local Government (Wales) Act 1994 (c. 19)

- 25 19 (1) The Local Government (Wales) Act 1994 is amended as follows.
- (2) In section 20 (unitary development plans and National Parks), omit subsections (1) to (3).
- (3) Omit Schedule 5 (unitary development plans in Wales).
- (4) In Schedule 17 (savings and transitional provisions), omit paragraphs 16 and 17.

Planning Act 2008 (c. 29)

- 20 (1) The Planning Act 2008 is amended as follows.
- (2) Omit section 186 (power of High Court to remit unitary development plans in Wales).
- (3) Omit section 204 (Wales: transitional provision in relation to blighted land).
- 5 (4) In section 241(commencement) –
- (a) in subsection (5) –
- (i) for “Section 186 and the” substitute “The”;
- (ii) for “come” substitute “comes”;
- (b) omit subsection (7).

10 *Planning and Compulsory Purchase Act 2004 (Commencement No. 6, Transitional Provisions and Savings) Order 2005 (S.I. 2005/2847)*

- 21 (1) The Planning and Compulsory Purchase Act 2004 (Commencement No. 6, Transitional Provisions and Savings) Order 2005 is amended as follows.
- (2) In article 2 (provisions coming into force in relation to Wales on 15 October 2005), for
- 15 “Subject to article 3, the” substitute “The”.
- (3) Omit article 3 (transitional provisions and savings).
- (4) Omit Schedule 2 (savings).

PART 5

ENERGY POLICIES IN DEVELOPMENT PLANS

20 *Planning and Energy Act 2008 (c. 21)*

- 22 (1) The Planning and Energy Act 2008 is amended as follows.
- (2) In section 1 (energy policies) –
- (a) in subsection (1) –
- 25 (i) in that subsection as amended by paragraph 29(2) of Schedule 8 to the Levelling-up and Regeneration Act 2023 (c. 55), for “supplementary plan,” in the first place it occurs, substitute “supplementary plan and”;
- (ii) omit “, a corporate joint committee may in their strategic development plan, and a local planning authority in Wales may in their local development plan,”;
- 30 (b) in subsection (2), in the definition of “energy efficiency standards”, for “appropriate national authority” in both places it occurs, substitute “Secretary of State”;
- (c) omit subsection (3);
- (d) in subsection (4) –
- (i) for “(5) to (7)” substitute “(5) and (7)”;
- 35 (ii) omit paragraphs (aa) and (b);

(e) omit subsection (6).

(3) In section 2 (interpretation), omit the definition of “corporate joint committee”.

Planning (Wales) Act 2015 (anaw 4)

23 In Schedule 2 to the Planning (Wales) Act 2015, omit paragraphs 30 and 31 (amendments
5 to section 1 of the Planning and Energy Act 2008) and the italic heading before them.

Local Government and Elections (Wales) Act 2021 (asc 1)

24 (1) Schedule 9 to the Local Government and Elections (Wales) Act 2021 (corporate joint
committees) is amended as follows.

10 (2) Omit paragraph 12(f) (amendment to Schedule 2 to the Planning (Wales) Act 2015 (anaw
4)).

(3) Omit paragraphs 40 and 41(a) (amendments to the Planning and Energy Act 2008 (c. 21)).

PART 6

OFFENCE OF REMOVAL OF SOIL WITHOUT CONSENT

Agricultural Land (Removal of Surface Soil) Act 1953 (c. 10)

15 25 In section 1 of the Agricultural Land (Removal of Surface Soil) Act 1953 (offence of soil
removal without consent), after subsection (3) insert –

“(4) The reference in subsection (1) of this section to agricultural land does
not include agricultural land in Wales.”

PART 7

DOMESTIC FIRE SAFETY (WALES) MEASURE 2011

Domestic Fire Safety (Wales) Measure 2011 (nawm 3)

20 26 The Domestic Fire Safety (Wales) Measure 2011 is repealed.

PART 8

REORGANISATION OF LOCAL GOVERNMENT

25 *Social services committees*

27 In section 101 of the Local Government Act 1972 (c. 70) (discharge of functions), omit
subsection (10A).

28 In Schedule 15 to the Local Government (Wales) Act 1994 (c. 19) (minor and consequential
amendments to the Local Government Act 1972), omit paragraph 26.

30 *The Residuary Body established under the Local Government (Wales) Act 1994 (c. 19)*

29 (1) The Local Government (Wales) Act 1994 is amended as follows.

- (2) In section 25 (provision of services by one new principal council for another), omit subsection (9).
- (3) In Part 5 (reorganisation of Welsh local government: residuary matters and staff) –
- (a) omit section 39 (the Residuary Body for Wales or Corff Gweddilliol Cymru);
 - 5 (b) in section 42(3) (transfers of staff), omit “or the Residuary Body”;
 - (c) in section 43(1)(a) (compensation for loss of office etc.), for “, a new principal council or the Residuary Body”, substitute “or a new principal council”;
 - (d) in section 44(2) (redundancy payments) –
 - 10 (i) in paragraph (a)(ii), omit “or to the Residuary Body”;
 - (ii) in paragraph (b), omit sub-paragraph (ii) and the “or” before it;
 - (e) omit Schedule 13 (further provision about the Residuary Body).
- (4) In Part 6 (transitional provisions), in section 54(2)(c) (power to make supplementary provision) –
- 15 (a) omit “or the Residuary Body”;
 - (b) omit “or to the Residuary Body”.
- (5) In Part 7 (miscellaneous and supplemental), in section 64(1) (interpretation) omit the definition of “the Residuary Body”.
- (6) In Schedule 17 (savings and transitional provisions), in paragraph 12(4)(a) omit “or of the Residuary Body”.
- 20 30 In section 14(1) of the Rent Act 1977 (c. 42) (landlord’s interest belonging to local authority etc.), omit paragraph (i).
- 31 In section 33(9) of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) (enforceability of certain covenants relating to land) –
- 25 (a) in paragraph (a) omit “the Residuary Body for Wales (Corff Gweddilliol Cymru),”;
 - (b) in paragraph (b) omit “in relation to the Residuary Body for Wales (Corff Gweddilliol Cymru) means Wales”.
- 32 In Part 1 of Schedule 1 to the Housing Act 1988 (c. 50) (tenancies that cannot be assured tenancies), in paragraph 12(1), omit paragraph (gg).
- 33 In section 252(12) of the Town and Country Planning Act 1990 (c. 8) (procedure for making orders), in the definition of “local authority”, omit “, the Residuary Body for Wales (Corff Gweddilliol Cymru)”.
- 34 In section 19(3) of the Local Government Finance Act 1992 (c. 14) (exclusion of Crown exemption), omit paragraph (g).
- 35 In section 79(1) of the Environment Act 1995 (c. 25) (interpretation of Part 3), in the definition of “public authority” –
- (a) after “Local Government Act 1992,” insert “or”;
 - (b) omit the words from “, any joint authority established under section 34” to the end.

- 36 In Schedule 18 to the Housing Act 1996 (c. 52), omit paragraph 30 (amendments to the Local Government (Wales) Act 1994 (c. 19)).
- 37 In the Government of Wales Act 1998 (c. 38), omit section 150 (abolition of Residuary Body for Wales).
- 5 *Transitional provision under the Local Government (Wales) Act 1994 (c. 19)*
- 38 In Part 6 of the Local Government (Wales) Act 1994 (transitional provisions) omit –
- (a) section 46 (committees of existing councils for consideration of certain matters);
 - (b) section 48 (groups of communities);
 - (c) section 51 (control of disposals and contracts);
 - 10 (d) section 52 (application of Part 1 of the Local Government Act 1988 (c. 9) during transitional period);
 - (e) section 56 (transitional agreements as to property and finance).
- 39 In Schedule 7 to the Local Government Act 2003 (c. 26) (minor and consequential amendments), omit paragraph 57.
- 15 *Decentralisation schemes and joint working under the Local Government (Wales) Act 1994*
- 40 (1) The Local Government (Wales) Act 1994 is amended as follows.
- (2) Omit Part 3 (decentralisation schemes (involving area committees) and joint working).
 - (3) In section 64(1) (interpretation), omit the definition of “decentralisation scheme”.
- 41 In Schedule 37 to the Education Act 1996 (c. 56) (consequential amendments), omit
- 20 paragraphs 123 and 124 (amendments to the Local Government (Wales) Act 1994) and the italic heading before them.

PART 9

STATEMENTS OF SPECIAL EDUCATIONAL NEEDS

- Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*
- 25 42 In section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (assessment of needs following notification of disabled persons leaving education) –
- (a) in subsection (1)(a), after “local authority” insert “in England”;
 - (b) in subsection (2) –
 - (i) in paragraph (a), after “local authority” insert “in England”;
 - 30 (ii) in paragraph (b), after “local authority” insert “in England”;
 - (c) in subsection (9) –
 - (i) in the definition of “prescribed”, after “made” insert “by the Secretary of State;”;

- (ii) in that definition, omit paragraphs (a) and (b);
- (iii) in the definition of “the responsible authority”, in paragraph (c) omit “or the National Assembly for Wales”;
- (iv) in that paragraph omit “or the National Assembly as the case may be”;
- 5 (d) in subsection (10), omit “and Wales”;
- (e) in the heading, at the end insert “: England”.

Education Act 1996 (c. 56)

43 In Schedule 37 to the Education Act 1996 (consequential amendments), in paragraph 64 omit sub-paragraph (3).

10 *Social Services and Well-being (Wales) Act 2014 (anaw 4)*

44 In Schedule 2 to the Social Services and Well-being (Wales) Act 2014 (meaning of “social services functions”), in Table 1, in the entry for the Disabled Persons (Services, Consultation and Representation) Act 1986, in the first column, for “, 2 and 5(5)” substitute “and 2”.

15 PART 10
NATIONAL PARK PLANNING BOARDS

Environment Act 1995 (c. 25)

- 45 (1) The Environment Act 1995 is amended as follows.
- (2) In section 64 omit subsections (1) to (7) and (9) (National Park authorities in Wales).
 - 20 (3) In section 65 omit subsection (4) (National Park authorities in Wales: functions).
 - (4) In section 75(2) (orders) –
 - (a) omit “, except in the case of a statutory instrument made by virtue of section 64 above which only –”;
 - (b) omit paragraphs (a) to (e).
 - 25 (5) In section 79(1) (interpretation), in paragraph (a) of the definition of “existing authority”, omit “or constituted by an order under paragraph 3A of that Schedule or section 2(1B) of the Town and Country Planning Act 1990”.
 - (6) In Schedule 7, in paragraph 14 (National Park officer) –
 - (a) omit sub-paragraph (2)(b) and the “or” before it;
 - 30 (b) omit sub-paragraph (4).
 - (7) In Schedule 10 (minor and consequential amendments relating to National Parks), in paragraph 30 omit sub-paragraphs (4) and (5).
 - (8) In Schedule 22 (minor and consequential amendments) –

- (a) omit paragraph 42;
- (b) in paragraph 43, for “that Act” substitute “the Town and Country Planning Act 1990”.

(9) In Schedule 23 (transitional and transitory provisions and savings), omit –

- (a) paragraph 7 and the italic heading before it;
- (b) paragraph 11;
- (c) paragraph 15 and the italic heading before it.

PART 11

WELSH DEVELOPMENT AGENCY

10 *Industry Act 1979 (c. 32)*

46 The Industry Act 1979 is repealed.

Industry Act 1980 (c. 33)

47 (1) The Industry Act 1980 is amended as follows.

- (2) Omit section 4 (public dividend capital).
- 15 (3) In section 5 (financial limits), omit subsection (1).
- (4) Omit section 6 (restrictions on powers to acquire shares).
- (5) In section 21 (transitional provision), omit subsection (2).

Welsh Development Agency Act 1997 (c. 37)

48 The Welsh Development Agency Act 1997 is repealed.

20 *Government of Wales Act 1998 (c. 38)*

49 In Schedule 14 to the Government of Wales Act 1998 –

- (a) in Part 1 (amendments to the Welsh Development Agency Act 1975 (c. 70)) –
 - (i) omit paragraphs 2 and 3 and the italic headings before each of them;
 - (ii) omit paragraph 5;
 - 25 (iii) omit paragraphs 7 to 9 and the italic headings before each of them;
 - (iv) in paragraph 11, omit sub-paragraph (3);
 - (v) omit paragraph 12 and the italic heading before it;

(b) in Part 2 (amendments to other enactments) –

- (i) omit paragraph 13 (amendment to the Public Bodies (Admission to Meetings) Act 1960 (c. 67)), the italic heading before it and the italic heading after it;
- 30 (ii) omit paragraphs 17 and 20 (amendments to the Acquisition of Land Act 1981 (c. 67)).

PART 12

DEVELOPMENT BOARD FOR RURAL WALES

Development of Rural Wales Act 1976 (c. 75)

50 The Development of Rural Wales Act 1976 is repealed.

5 *Government of Wales Act 1998 (c. 38)*

51 (1) The Government of Wales Act 1998 is amended as follows.

(2) Omit the following provisions (cessation of the Development Board for Rural Wales and related provisions) –

(a) in section 129, subsection (1);

10 (b) in section 130, subsections (1) and (3) to (5);

(c) in section 131, subsections (2) to (4);

(d) section 133.

(3) In section 154 (orders and directions) –

(a) in subsection (3)(b), omit “133(3),”;

15 (b) in subsection (6)(a), omit “130(4), 133(3),”.

(4) In Schedule 14, omit paragraph 15 (amendment to the Development of Rural Wales Act 1976 (c. 75)) and the italic heading before it.

(5) In Schedule 15, omit paragraph 2 (amendment to Parliamentary Commissioner Act 1967 (c. 13)).

20

PART 13

LAND AUTHORITY FOR WALES

Government of Wales Act 1998 (c. 38)

52 (1) The Government of Wales Act 1998 is amended as follows.

(2) Omit the following provisions (cessation of the Land Authority for Wales) –

25 (a) section 134;

(b) in section 135, subsection (1);

(c) in section 136, subsections (1) and (3) to (5);

(d) section 139.

(3) In section 137 (transitional provision relating to the cessation of the Land Authority for Wales) –

30

(a) in subsection (1), omit “134 or”;

(b) omit subsections (2) to (4).

(4) In section 154 (orders and directions) –

(a) in subsection (3)(b), omit “139(3),”;

- (b) in subsection (6)(a), omit “136(4), 139(3),”.

PART 14

AMENDMENT OF SCHEDULE 9 TO THE WILDLIFE AND COUNTRYSIDE ACT 1981

Wildlife and Countryside Act 1981 (c. 69)

- 5 53 In Schedule 9 to the Wildlife and Countryside Act 1981 (animals and plants to which section 14 applies) –
- (a) in Part 1 (non-native animals which are established in the wild) –
- 10 (i) in the first column (common name) omit “Flatworm, New Zealand” and the corresponding provision “Artiposthia triangulate” in the second column (scientific name);
- (ii) in the first column (common name) omit “Pumpkinseed (otherwise known as Sun-fish or Pond-perch)” and the corresponding provision “Lepomis gibbosus” in the second column (scientific name);
- 15 (b) in Part 2 (plants), in the first column (common name) omit “Salvinia, Giant” and the corresponding provision “Salvinia molesta” in the second column (scientific name).

PART 15

UNRECORDED PUBLIC RIGHTS OF WAY

Countryside and Rights of Way Act 2000 (c. 37)

- 54 (1) The Countryside and Rights of Way Act 2000 is amended as follows.
- 20 (2) In section 53 (extinguishment of unrecorded rights of way) –
- (a) in subsection (1), after “applies to a highway” insert “in England”;
- (b) in subsection (3), after “public right of way” insert “over land in England”;
- (c) in the heading, at the end insert “: England”.
- (3) In section 54 (excepted highways and rights of way) –
- 25 (a) in subsection (1)(d), for the words from “made” to “National Assembly for Wales” substitute “made by the Secretary of State”;
- (b) in subsection (5)(c), for the words from “made” to “National Assembly for Wales” substitute “made by the Secretary of State”;
- (c) in the heading, at the end insert “: England”.
- 30 (4) In section 55 (bridleway rights) –
- (a) in subsection (1), after “over any way” insert “in England”;
- (b) in the heading, at the end insert “: England”.
- (5) In section 56 (cut-off date for extinguishment etc.) –
- (a) in subsection (2) –

- (i) omit the words from “(as respects England)” to “(as respects Wales)”;
- (ii) in paragraph (b) omit “or the National Assembly for Wales (as the case may be)”;
- (b) in the heading, at the end insert “: England”.

5 55 In paragraph 4 of Schedule 5 (definitive maps and statements and restricted byways), in the section 54A which is inserted into the Wildlife and Countryside Act 1981 (c. 69) (byways open to all traffic not to be added to definitive map) –

- (a) in subsection (1), after “any way” insert “in England”;
- (b) in the heading, at the end insert “: England”.

10 PART 16

MISCELLANEOUS AMENDMENTS RELATING TO THE GOVERNMENT OF WALES ACT 1998

Government of Wales Act 1998 (c. 38)

56 (1) The Government of Wales Act 1998 is amended as follows.

(2) In section 28 (power of the Welsh Ministers to transfer functions to certain bodies) –

- 15 (a) in subsection (1) –
 - (i) omit “or II”;
 - (ii) in paragraph (b) omit “II or”;
- (b) in subsection (2) omit “or II”;
- (c) in subsection (3) –
 - 20 (i) omit “or II”;
 - (ii) omit paragraph (b), and the “, or” before it.
- (3) In Schedule 4 (public bodies whose functions may be transferred) –
 - (a) in paragraph 3A for “The Care Council for Wales” substitute “Social Care Wales”;
 - (b) omit –
 - 25 (i) paragraph 4 (advisory committee for Wales under section 11 of the Environment Act 1995 (c. 25));
 - (ii) paragraph 8 (Library and Information Services Council (Wales));
 - (iii) paragraph 10 (the Wales Tourist Board);
 - (iv) paragraph 11 (the Welsh Development Agency);
 - 30 (c) omit Part 2 (advisory committees for Wales under section 19 of the National Health Service Act 1977 (c. 49)).
- (4) In Schedule 10 (consequential amendments to the Health Service Commissioners Act 1993 (c. 46) relating to the Public Audit (Wales) Act 2004 (c. 23)) –
 - (a) in paragraph 3, omit sub-paragraph (4);
 - 35 (b) omit paragraph 10;

- (c) omit paragraph 13;
- (d) in paragraph 14, in sub-paragraph (2), omit the words from “after paragraph (b)” to “and”;
- (e) in paragraph 16, omit sub-paragraphs (5), (6) and (8).
- 5 (5) In Schedule 12 (amendments to other legislation relating to the Public Audit (Wales) Act 2004) –
- (a) in paragraph 17 (amendments to the Local Government Act 1974 (c. 7)), in sub-paragraph (2) –
- 10 (i) omit the words from “before “or”” to “and”;
- (ii) omit the words from “and after” to the end;
- (b) omit paragraphs 21 and 22 (amendments to the Mental Health Act 1983 (c. 20)) and the italic heading before them;
- (c) omit paragraph 36(b) and the “and” before it (amendments to the Deregulation and Contracting Out Act 1994 (c. 40)).
- 15 (6) In Schedule 16 (amendments relating to the abolition of Housing for Wales) –
- (a) omit paragraph 1 (amendment to the Friendly and Industrial and Provident Societies Act 1968 (c. 55));
- (b) omit paragraph 12 (amendment to the Housing Act 1985 (c. 68));
- 20 (c) omit paragraphs 56 and 57 (amendments to the Income and Corporation Taxes Act 1988 (c. 1));
- (d) omit paragraph 68 (amendment to the Housing Act 1988 (c. 50));
- (e) omit paragraph 84 and, in paragraph 96, omit sub-paragraphs (1) to (5) and (8) (amendments to the Housing Act 1996 (c. 52));
- 25 (f) omit paragraphs 98 to 100 (amendments to the Audit Commission Act 1998 (c. 18)) and the italic heading before them.

Government of Wales Act 2006 (c. 32)

- 57 In Schedule 10 (minor and consequential amendments) to the Government of Wales Act 2006 –
- (a) omit paragraph 44 (Forestry Commissioners);
- 30 (b) omit paragraph 51 (power of Secretary of State by order to make provision about Environment Agency’s Welsh functions);
- (c) omit paragraph 55 (Forestry Commissioners).

PART 17

TRANSITIONAL PROVISION RELATING TO THE GOVERNMENT OF WALES ACT 2006

35 *Government of Wales Act 2006 (c. 32)*

- 58 In Schedule 11 to the Government of Wales Act 2006 (transitional provisions) –
- (a) omit paragraphs 3 to 7 (elections) and the italic headings before each of them;

- (b) omit paragraph 9 (term office of Assembly members returned at the 2007 Assembly election) and the italic heading before it;
- (c) omit paragraph 11 (disqualification of Lords of Appeal in Ordinary) and the italic heading before it;
- 5 (d) omit paragraphs 14 to 19 (further arrangements in relation to the 2007 election and the “initial period”) and the italic headings before each of them;
- (e) omit paragraphs 22 to 25 (exercise of functions before appointment of first First Minister) and the italic heading before them;
- 10 (f) omit paragraph 28(1) (designations under section 2(2) of the European Communities Act 1972 (c. 68));
- (g) omit paragraph 29 (first nomination of First Minister) and the italic heading before it;
- (h) in paragraph 35(3), in Table 1 (list of powers to make subordinate legislation to which affirmative procedure applies) omit –
- 15 (i) the entry for section 20(1) of the Political Parties, Elections and Referendums Act 2000 (c. 4);
- (ii) the entries for sections 96 and 101(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43);
- 20 (i) in paragraph 35(4), in Table 2 (list of powers to make subordinate legislation to which negative procedure applies) –
- (i) omit the entries for sections 79S(2) and 79T(2) of the Children Act 1989 (c. 41);
- (ii) omit the entry for section 16A(3) of the Environment Act 1995 (c. 25);
- 25 (iii) omit the entries for paragraphs 5(2), 12(2)(d) and 17(2) of Schedule 7 to the School Standards and Framework Act 1998 (c. 31);
- (iv) omit the entry for section 109(6)(b) of the Transport Act 2000 (c. 38);
- (v) omit the entry for section 20(6) of the Political Parties, Elections and Referendums Act 2000 (c. 41);
- 30 (vi) omit the entries for sections 139(1), 192 and 193 of the Education Act 2002 (c. 32);
- (vii) in the entry for section 197 of the Education Act 2002, in the first column, for “that Act” substitute “the Education Act 2002 (c. 32)”;
- (viii) omit the entries for sections 94(6), 96 and 101(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43);
- 35 (ix) omit the entries for section 18(2)(c) and section 21(1) of the Public Audit (Wales) Act 2004 (c. 23);
- (x) in the entry for section 39(1) of the Public Audit (Wales) Act 2004, in the first column, for “that Act” substitute “the Public Audit (Wales) Act 2004 (c. 23)”;

- (j) omit paragraphs 50 and 51 (Orders in Council amending Schedule 5 until the end of the initial period) and the italic heading before them;
- (k) omit paragraphs 53, 53A and 53B (payments into Welsh Consolidated Fund) and the italic heading before them;
- 5 (l) omit paragraphs 54 to 56 and 58 to 63 (financial provisions applying temporarily) and the italic headings before each of paragraphs 54 to 56, 58, and 60 to 63;
- (m) omit paragraphs 64, 64B, 64C, 64F and 64G (Auditor General for Wales and Public Services Ombudsman for Wales) and the italic headings before each of paragraphs 64, 64B, 64F and 64G;
- 10 (n) omit paragraph 65 (transitional provision pending the creation of the office of Advocate General for Northern Ireland) and the italic heading before it;
- (o) omit paragraphs 66 and 67 (transitional provision pending establishment of Supreme Court) and the italic heading before them.

National Health Service (Consequential Provisions) Act 2006 (c. 43)

- 15 59 In Schedule 3 to the National Health Service (Consequential Provisions) Act 2006 (transitory modifications), omit paragraph 10.

Learning and Skills (Wales) Measure 2009 (nawm 1)

- 60 In the Schedule to the Learning and Skills (Wales) Measure 2009 (minor and consequential amendments), in paragraph 22, omit paragraph (c).

PART 18

WELSH ELECTIONS (CORONAVIRUS) ACT 2021

Welsh Elections (Coronavirus) Act 2021 (asc 2)

- 61 The Welsh Elections (Coronavirus) Act 2021 is repealed.

PART 19

LOCAL GOVERNMENT FINANCE

Local Government Finance (Wales) Act 2024 (asc 5)

- 25 62 In section 16 of the Local Government Finance (Wales) Act 2024, omit subsection (8) and renumber subsection (9) as subsection (8).

SCHEDULE 2
(introduced by section 5)

MINOR AMENDMENTS TO THE LEGISLATION (WALES) ACT 2019

Introduction

5 1 The Legislation (Wales) Act 2019 (anaw 4) is amended as follows.

References to “Welsh subordinate instrument”

2 In section 3 (legislation to which Part 2 applies), for subsection (3) substitute –

10 “(3) References in this Part to an Act of Senedd Cymru are (unless otherwise provided) references to an Act of Senedd Cymru to which this Part applies by virtue of subsection (1).

(3A) References in this Part to a Welsh subordinate instrument are (unless otherwise provided) references to the subordinate legislation contained in a Welsh subordinate instrument to which this Part applies by virtue of subsection (1).”

15 *Laying documents before Senedd Cymru*

3 After section 12 insert –

“Laying documents before Senedd Cymru

12A Meaning of references to laying documents before Senedd Cymru

20 (1) This section applies where an Act of Senedd Cymru or a Welsh subordinate instrument authorises or requires the laying of any document (including a Welsh statutory instrument) before Senedd Cymru.

25 (2) The reference to laying the document is a reference to taking the action specified in relation to laying a document before Senedd Cymru in the standing orders of the Senedd.”

Exercise of a power or duty that is not in force

4 In section 16 –

(a) in subsection (1), for paragraph (a) and the “or” after it substitute –

30 “(a) by a provision in an Act of Senedd Cymru which does not come into force on the day on which the Act receives Royal Assent or the following day, or”;

(b) after subsection (3) insert –

35 “(3A) Subsection (3) does not apply to the exercise of a power or duty to make subordinate legislation unless the subordinate legislation is to come into force before the provision conferring the power or imposing the duty.”;

(c) after subsection (5) insert –

“(6) In subsection (1), the references to a provision in an Act of Senedd Cymru or a Welsh subordinate instrument include a provision that amends another enactment.

5 (7) Where a provision in an Act of Senedd Cymru or a Welsh subordinate instrument confers or imposes a power or duty by amending another enactment, the references to an Act or instrument in subsections (3)(a) and (b), (4) and (5) include the other enactment as amended.”

Church Measures: effect of references and amendments

10 5 In section 21(2) (references to portions of enactments) –

(a) after paragraph (b) insert –

“(ba) a Measure of the Church Assembly or of the General Synod of the Church of England;”;

(b) in paragraph (c), for “or (b)” substitute “, (b) or (ba)”.

15 6 In section 25(4) (references to enactments are to enactments as amended) –

(a) after paragraph (b) insert –

“(ba) a Measure of the Church Assembly or of the General Synod of the Church of England;”;

(b) in paragraph (c), for “or (b)” substitute “, (b) or (ba)”.

20 7 In section 37 (meaning of repeal and revocation in Part 2) –

(a) in the section heading, for “Meaning of” substitute “Interpretation of provisions about amendment,”;

(b) after subsection (2) insert –

25 “(3) In sections 32 to 35, and in subsection (1) as it applies for the purposes of those sections, “enactment” includes an enactment that is, or is contained in, a Measure of the Church Assembly or of the General Synod of the Church of England or an instrument made under such a Measure.”

Continuity of subordinate legislation: no effect on Crown application

30 8 In section 35, after subsection (4) insert –

“(5) Subsection (3) does not cause section 28 to have effect in relation to any subordinate legislation where it did not previously have effect.”

Referring to Welsh subordinate instruments

9 In section 36 –

35 (a) the existing provision becomes subsection (1);

(b) after the new subsection (1) insert –

“(2) A Welsh subordinate instrument may continue be referred to by its title despite the revocation of the instrument.”

- (c) the heading becomes “Referring to an Act of Senedd Cymru or Welsh subordinate instrument after repeal or revocation”.

SCHEDULE 3
(introduced by section 6)

CONSEQUENTIAL AMENDMENTS

Statutory Instruments Act 1946 (c. 36)

- 5 1 In the Statutory Instruments Act 1946 –
(a) in section 1, omit subsection (1A);
(b) omit section 11A.

Laying of Documents before Parliament (Interpretation) Act 1948 (c. 59)

- 10 2 In the Laying of Documents before Parliament (Interpretation) Act 1948, in section 1(1A),
after “any enactment” insert “to which Part 2 of the Legislation (Wales) Act 2019 (anaw 4)
does not apply”.

Agricultural Marketing Act 1958 (c. 47)

- 15 3 In section 2 of the Agricultural Marketing Act 1958, after subsection (12) (publication in the
Gazette of orders approving certain agricultural marketing schemes) insert –
“(12A) Subsection (12) does not apply to the Welsh Ministers.”

Interpretation Act 1978 (c. 30)

- 4 In section 23C, after subsection (1) insert –
“(1A) In section 14(b), the reference to a statutory instrument includes a
Welsh statutory instrument.”

20 *Government of Wales Act 2006 (c. 32)*

- 5 The Government of Wales Act 2006 is amended as follows.
6 In section 115 –
(a) omit subsections (5A) to (5E);
(b) in subsection (5F), omit “official prints and”.
25 7 In Schedule 10, omit paragraphs 1 to 3 and the italic heading before them.

Welsh Language (Wales) Measure 2011 (nawm 1)

- 8 In the Welsh Language (Wales) Measure 2011, in section 123(8), for “statutory instrument
to which the Statutory Instruments 1946 applies as if the instrument contained rules made
by the Welsh Ministers” substitute “Welsh statutory instrument”.

30 *Legislation (Wales) Act 2019 (anaw 4)*

- 9 The Legislation (Wales) Act 2019 is amended as follows.

- 10 In section 3(2), before “statutory instrument” insert “Welsh statutory instrument or”.
- 11 In section 22(2) –
- (a) after “certified copy” insert “of the official print”;
 - (b) for “Queen’s Printer” substitute “King’s Printer for Wales”;
 - 5 (c) for “Her Majesty’s” substitute “His Majesty’s”.
- 12 In section 23(2) –
- (a) for “Queen’s Printer” substitute “King’s Printer of Acts of Parliament”;
 - (b) for “Her Majesty’s” substitute “His Majesty’s”.
- 13 In section 39 –
- 10 (a) in subsection (1), before “statutory instrument”, in both places, insert “Welsh”;
 - (b) in subsection (2), before “statutory instrument” insert “Welsh”.
- 14 Omit section 40.
- 15 For section 43 substitute –

“43 Regulations made under this Act

- 15 (1) A power to make regulations under this Act –
- (a) is exercisable by Welsh statutory instrument;
 - (b) includes power to make different provision for different purposes.
- 20 (2) Regulations made under the following provisions are subject to the Senedd approval procedure –
- (a) section 6(2);
 - (b) section 37F(2)(c);
 - (c) section 42(1), where the regulations amend, repeal or otherwise modify any provision in an Act of Senedd Cymru, an Assembly Measure or an Act of the Parliament of the United Kingdom;
 - 25 (d) paragraph 6(3)(c) of Schedule 1A.
- (3) Regulations made under the following provisions are subject to the Senedd annulment procedure –
- (a) section 42(1), unless subsection (2)(c) of this section applies;
 - 30 (b) paragraph 7 of Schedule 1A;
 - (c) paragraph 16 of Schedule 1B;
 - (d) paragraph 13 of Schedule 1C.”

Senedd and Elections (Wales) Act 2020 (anaw 1)

- 16 In Schedule 1 to the Senedd and Elections (Wales) Act 2020, in paragraph 5, omit sub-
35 paragraphs (5) and (6).

Retained EU Law (Revocation and Reform) Act 2023 (c. 28)

- 17 In Schedule 2 to the Retained EU Law (Revocation and Reform) Act 2023, in paragraph 9, omit sub-paragraph (5).