



Legislation (Wales) Act 2019

2019 anaw 4

PART 3

MISCELLANEOUS

40 Combining subordinate legislation subject to different [F¹Senedd] procedures

- (1) Where the Welsh Ministers make, or propose to make, a statutory instrument that would otherwise be subject to two or more different [F²Senedd] procedures as a result of the subordinate legislation that it contains, whichever of those [F²Senedd] procedures is mentioned first in subsection (2) applies to the instrument (and none of the other [F²Senedd] procedures apply).
- (2) In this section, “[F³Senedd] procedure” means a procedure which has the effect that—
 - (a) a statutory instrument (or the subordinate legislation that it contains) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, [F⁴Senedd Cymru],
 - (b) a statutory instrument must be laid before [F⁵Senedd Cymru] after being made and must be approved by resolution of [F⁵Senedd Cymru] in order for the subordinate legislation that it contains to come into force or continue in force,
 - (c) a statutory instrument is subject to annulment in pursuance a resolution of [F⁶Senedd Cymru],
 - (d) a statutory instrument must be laid before [F⁷Senedd Cymru] after being made, or
 - (e) a statutory instrument is not required to be laid before [F⁸Senedd Cymru] at any time.
- (3) The fact that the Welsh Ministers have made subordinate legislation in a statutory instrument to which subsection (1) applies does not—
 - (a) prevent them making further subordinate legislation in a statutory instrument to which that subsection does not apply, or
 - (b) affect the [F⁹Senedd] procedure that applies to such an instrument.

Changes to legislation: There are currently no known outstanding effects for the Legislation (Wales) Act 2019, Section 40. (See end of Document for details)

- (4) Subsection (1) does not apply to a statutory instrument containing any subordinate legislation that—
- (a) is made by the Welsh Ministers under an Act of the Parliament of the United Kingdom or [^{F10}assimilated direct] legislation, and
 - (b) applies otherwise than in relation to Wales.

Textual Amendments

- F1** Word in s. 40 heading substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(a\)](#)
- F2** Word in s. 40(1) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(a\)](#)
- F3** Word in s. 40(2) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(b\)\(i\)](#)
- F4** Words in s. 40(2)(a) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(b\)\(ii\)](#)
- F5** Words in s. 40(2)(b) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(b\)\(iii\)](#)
- F6** Words in s. 40(2)(c) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(b\)\(iv\)](#)
- F7** Words in s. 40(2)(d) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(b\)\(iv\)](#)
- F8** Words in s. 40(2)(e) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(b\)\(iv\)](#)
- F9** Word in s. 40(3)(b) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 5\(5\)\(c\)](#)
- F10** Words in s. 40(4)(a) substituted (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), s. 22(3), [Sch. 2 para. 9\(5\)\(b\)](#) (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

Changes to legislation:

There are currently no known outstanding effects for the Legislation (Wales) Act 2019, Section 40.