

# **RIGHTS OF CHILDREN AND YOUNG PERSONS (WALES) MEASURE 2011**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 6 – Power to amend legislation etc***

50. Subsection (1) – The effect of this is to set out the circumstances in which the Welsh Ministers’ power under section 6 to amend certain legislation and prerogative instruments is triggered. There are limitations on the power which are set out in section 6.
51. The Welsh Ministers will have that power if, in a report which they have published under section 4, they have concluded that it would be desirable to amend certain legislation or prerogative instruments, in order to give further or better effect to the rights and obligations set out in Part I of the Convention and its Optional Protocols.
52. The types of legislation which may be amended using this power are Acts of the United Kingdom Parliament, Measures and Acts of the Assembly and subordinate legislation made under any of those (see section 9 which contains the definition of “enactment”). Orders, rules and regulations are examples of types of subordinate legislation.
53. Subsection (2) – This provides that the Welsh Ministers may make amendments to legislation or prerogative instruments which they consider to be appropriate in the light of a report which they will have published under section 4. The Welsh Ministers are to make the amendments by making an order.
54. Subsection (3) – The effect of this is that the Welsh Ministers will only be able to use this power to make amendments to legislation or prerogative instruments if those amendments are ones which, at that particular time, the Assembly has legislative power to make.
55. From 5 May 2011 the Assembly’s legislative power is governed by Part 4 (Assembly Acts) of the Government of Wales Act 2006. Section 108 of and Schedule 7 to that Act should be referred to in order to see the Subjects in relation to which the Assembly may pass Acts.
56. Subsection (4) – This requires the Welsh Ministers to consult whoever they consider appropriate before making an order using this power.
57. The Welsh Ministers must not make an order using this power unless a draft of it has been laid before the Assembly and approved by a resolution of the Assembly (see section 10(2)).