
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Welsh Ministers (Transfer of Functions) Order 2018

Local Government Act 2000

37.—(1) The Local Government Act 2000 (“the 2000 Act”)(1) is amended in accordance with paragraphs (2) to (6).

(2) In section 5 (power to amend or repeal enactments)—

(a) in subsection (1)—

(i) for “Secretary of State thinks” substitute “Welsh Ministers think”;

(ii) for “he” substitute “they”;

(b) after subsection (3) insert—

“(3A) Subject to subsection (3B), a statutory instrument which contains an order under this section is not to be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.

(3B) A statutory instrument containing an order under this section which is made only for the purpose of amending an earlier such order—

(a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or

(b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or authorities of a particular description,

is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”; and

(c) omit subsections (4), (4A), (4B) and (5).

(3) In the italic heading above section 9, for “section 5 or 6” substitute “sections 5 to 7”.

(4) In section 9 (procedure for orders under section 5 or 6)—

(a) in the heading, for “under section 5 or 6” substitute “made by the Secretary of State under section 6”;

(b) in subsections (1), (3), (4) and (6) to (8), for “section 5 or 6” substitute “section 6”.

(5) In section 9A (procedure for orders under section 7)—

(a) in the heading, for “under section 7” substitute “made by the Welsh Ministers under section 5 or 7”;

(b) in subsections (1) and (2), for “section 7” substitute “section 5 or 7”;

(c) in subsection (3)—

(i) for “section 7” substitute “section 5 or 7”;

(ii) after “for Wales”, in the second place those words occur, insert “in accordance with section 5(3A) or 7(10)”;

(1) 2000 c. 22; sections 5 and 9 were amended by section 115 of the Local Government and Public Involvement in Health Act 2007 (c. 28) and section 126(3) of the Local Government (Wales) Measure 2011 (nawm 4).

- (d) in subsections (5) to (7) for “section 7” substitute “section 5 or 7”.
- (6) In section 105 (orders and regulations)(2), in subsections (6) and (6A), omit “, 5”.

(2) Subsection (6) was amended by, and subsection (6A) was inserted by, section 100 of, and paragraphs 11 and 14 of Schedule 3 to, the Local Government Act 2003 (c. 26); subsections (6) and (6A) were amended by sections 22 and 26 of, and paragraphs 8 and 70 of Schedule 3 and paragraphs 7 and 52 of Schedule 4 to, the Localism Act 2011 (c. 20).