



# Government of Wales Act 1998

## 1998 CHAPTER 38

### PART II

#### ASSEMBLY FUNCTIONS

##### *Ancillary powers etc.*

#### **34 Staff.**

- (1) The Assembly may appoint such staff as it considers appropriate.
- (2) Service as a member of the Assembly's staff shall be service in Her Majesty's Home Civil Service.
- (3) Subsection (1) is subject to any provision made in relation to Her Majesty's Home Civil Service by or under any Order in Council.
- (4) Section 1(2) of the <sup>M1</sup>Civil Service (Management Functions) Act 1992 (delegation of civil service management functions vested in a Minister of the Crown to any other servant of the Crown) shall have effect as if the reference to any other servant of the Crown included the Assembly.
- (5) Section 1(2) and (3) of the <sup>M2</sup>Superannuation Act 1972 (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another Minister etc. and consultation by that Minister or another Minister) shall have effect as if the references to a Minister of the Crown other than the Minister for the Civil Service included the Assembly.
- (6) The Assembly shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of—
  - (a) the provision of pensions, allowances or gratuities by virtue of section 1 of the <sup>M3</sup>Superannuation Act 1972 to or in respect of persons who are or have been members of the Assembly's staff, and
  - (b) the expenses incurred in administering those pensions, allowances or gratuities.

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- (7) The Assembly may make any such payments towards the provision of superannuation benefits for or in respect of any member of the Assembly's staff as it considers appropriate.

#### Modifications etc. (not altering text)

- C1** S. 34(2) restricted (23.11.2005) by The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 20005/3226), {art. 2(5)} (with art. 3(1))

#### Marginal Citations

- M1** 1992 c. 61.  
**M2** 1972 c. 11.  
**M3** 1972 c. 11.

VALID FROM 30/11/2000

#### [<sup>F1</sup>34A Assistance to groups of Assembly members.

- (1) The Assembly may make to (or in respect of) groups of Assembly members such payments as the Assembly from time to time determines for the purpose of assisting Assembly members in the groups to perform their functions as Assembly members.
- (2) A determination under this section may make provision—
  - (a) for ascertaining the groups to which (or in respect of which) payments are to be made,
  - (b) for calculating the amount of any payment to a group,
  - (c) for the conditions subject to which payments are to be made, and
  - (d) for the presiding officer to decide questions arising under the determination about which groups Assembly members belong to.
- (3) A determination under this section may make different provision for different groups.
- (4) The Assembly may not delegate the function of making a determination under this section.
- (5) A determination under this section shall not be made unless a motion to approve it is passed by the Assembly on a vote in which at least two-thirds of the Assembly members voting support the motion.
- (6) The standing orders of the Assembly must include provision for the publication of every determination under this section.]

#### Textual Amendments

- F1** S. 34A inserted (30.11.2000) by 2000 c. 41, ss. 158(1), 163(3)(b), **Sch. 21 para. 12(4)** (with s. 156(6))

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### 35 Inquiries.

- (1) The Assembly may cause an inquiry to be held into any matter relevant to the exercise of any of its functions.
- (2) Subsections (2) to (5) of section 250 of the <sup>M4</sup>Local Government Act 1972 (witnesses and costs at local inquiries) shall apply in relation to an inquiry held under subsection (1) as if it were a local inquiry held under that section and the Assembly were the Minister causing it to be held.

#### Modifications etc. (not altering text)

- C2** S. 35 amended (1.4.2002, 30.1.2003, 1.4.2004 for W. for certain purposes and 7.7.2004 for W. for certain purposes, otherwise prosp.) by 2000 c. 14, s. 10(6); S.I. 2002/920, arts. 2, {3(2)(3)(a)} (subject to art. 3(4)(5), Schs. 1-3); S.I. 2003/152, art. 2(1)(a); S.I. 2004/1015, art. 2; S.I. 2004/1730, art. 2

#### Marginal Citations

- M4** 1972 c. 70.

### 36 Polls for ascertaining views of the public.

- (1) The Assembly may hold a poll in an area consisting of Wales or any part (or parts) of Wales for the purpose of ascertaining the views of those polled about whether or how any of the Assembly's functions (other than those under section 33) should be exercised.
- (2) The persons entitled to vote in a poll under this section are those who—
  - (a) would be entitled to vote as electors at a local government election in an electoral area wholly or partly included in the area in which the poll is held, and
  - (b) are registered in the register of local government electors at an address within the area in which the poll is held.
- (3) The Assembly may not delegate the function of deciding—
  - (a) whether to hold a poll under this section,
  - (b) when, and in which area, a poll is to be held, and
  - (c) the wording of any questions or propositions to be put to those polled.
- (4) The Assembly may by order make provision as to the conduct of polls (or any poll) under this section.
- (5) The Secretary of State may by order make provision for the combination of polls (or any poll) under this section with polls at any elections.
- (6) An order under subsection (4) or (5) may apply or incorporate, with or without modifications or exceptions, any provision of or made under any enactment relating to any elections; and the provision which may be made under subsection (4) includes, in particular, provision for disregarding alterations in a register of electors.
- (7) The costs of polls under this section shall be met by the Assembly.

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**Modifications etc. (not altering text)**

- C3** S. 36(4)(5) amended (16.2.2001) by 2000 c. 41, s. 7(2)(f) (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)
- C4** S. 36(5): functions transferred (W.) (1.7.1999 subject to art. 2(b)-(f) of the amending S.I.) by S.I. 1999/672, art. 2(a), **Sch. 1**

**37 Private bills.**

- (1) The Assembly may promote private bills in Parliament and may oppose any private bill in Parliament.
- (2) But the Assembly shall not promote or oppose any private bill in Parliament unless a motion to authorise the Assembly to promote or oppose the bill is passed by the Assembly on a vote in which at least two-thirds of the Assembly members voting support the motion.
- (3) Subsection (1) shall not cause the Assembly to have power to apply for orders under section 1 or 3 of the <sup>M5</sup>Transport and Works Act 1992 by virtue of section 20 of that Act (which gives a body with power to promote and oppose private bills power to apply for and object to such orders).

**Marginal Citations**

**M5** 1992 c. 42.

**38 Legal proceedings.**

Where the Assembly considers it appropriate for the promotion or protection of the public interest it may institute in its own name, defend or appear in any legal proceedings relating to matters with respect to which any functions of the Assembly are exercisable.

**39 Contracts.**

The Secretary of State may by order provide that the <sup>M6</sup>Local Government (Contracts) Act 1997 shall apply in relation to contracts entered into by the Assembly but subject to any appropriate modifications.

**Marginal Citations**

**M6** 1997 c. 65.

**40 Supplementary powers.**

The Assembly may do anything (including the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the exercise of any of its functions.

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#### **41 Agency arrangements and provision of services.**

- (1) Arrangements may be made between the Assembly and any relevant authority for—
  - (a) any functions of one of them to be exercised by, or by members of staff of, the other, or
  - (b) the provision of administrative, professional or technical services by one of them for the other.
- (2) Any arrangements under subsection (1)(a) for the exercise of any functions of the Assembly shall not affect the responsibility of the Assembly; and such arrangements for the exercise of any functions of a relevant authority shall not affect the responsibility of the relevant authority.
- (3) The references in subsections (1)(a) and (2) to functions do not include functions of making, confirming or approving subordinate legislation.
- (4) In this section “relevant authority” means any government department, any local or other public authority or the holder of any public office.

VALID FROM 01/04/2005

#### **[<sup>F2</sup>41A Co-operation with the Auditor General for Wales**

The Assembly must co-operate with the Auditor General for Wales where it seems to the Assembly appropriate to do so for the efficient and effective discharge of its functions in relation to Welsh NHS bodies (within the meaning given in section 60 of the Public Audit (Wales) Act 2004).]

#### **Textual Amendments**

- F2** S. 41A inserted (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\)](#), ss. 66, 73, [Sch. 2 para. 43](#); S.I. 2005/558, art. 2, {Sch. 1} (subject to Sch. 2)

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