



# Government of Wales Act 1998

## 1998 CHAPTER 38

### PART VII

#### SUPPLEMENTARY

#### 151 Power to amend enactments.

- (1) The Secretary of State may by order make in any enactment—
- (a) contained in an Act passed before or in the same session as this Act, or
  - (b) made before the passing of this Act or in the session in which this Act is passed,
- such amendments or repeals as appear to him to be appropriate in consequence of this Act.
- (2) An Order in Council under section 22 may include any provision that may be included in an order under subsection (1).

#### 152 Repeals.

Schedule 18 (which contains repeals, including repeals of spent enactments) has effect.

#### Commencement Information

- II** [S. 152](#) partly in force; [S. 152](#) not in force at Royal Assent, see [s. 158](#); [s. 152](#) in force for certain purposes at 2.9.1998, 1.10.1998, and 1.11.1998 by [S.I. 1998/2244](#), [arts. 3, 4, 5](#); [s. 152](#) in force for certain purposes at 1.2.1999 by [S.I. 1999/118](#), [art. 2](#); [s. 152](#) in force for certain purposes at 1.4.1999 by [S.I. 1999/782](#), [art. 2](#); [s. 152](#) in force for certain purposes at 1.7.1999 by [S.I. 1999/1290](#), [art. 4](#)

#### 153 Transitional provisions etc.

- (1) The Secretary of State may by order make such transitional, consequential, incidental or supplementary provision, or such savings, as he considers appropriate for the purpose of or in connection with the coming into force of any provision of this Act.

*Status: Point in time view as at 01/12/1998.*

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- (2) If section 107 comes into force before the Human Rights Act 1998 has come into force (or come fully into force), that section shall have effect until the time when that Act is fully in force as it will have effect after that time.

#### **154 Orders and directions.**

- (1) Any power of a Minister of the Crown or the Assembly under this Act to make an order shall be exercisable by statutory instrument.
- (2) No order to which this subsection applies shall be made unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.
- (3) Subsection (2) applies—
- (a) to an order under section 11, 75(5), 108(2) or (3), 144(8) or 155(2), and
  - (b) to an order under section 96(5), 117, 133(3), 139(3), 143(3), 144(1) or (4), 146(1), 147(1) or 151 or paragraph 1 of Schedule 7 which contains provisions in the form of amendments or repeals of enactments contained in an Act.
- (4) No order shall be made under section 82(6) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the House of Commons.
- (5) A statutory instrument containing an order to which this subsection applies shall (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Subsection (5) applies—
- (a) to an order under section 3, 15(5), 17, 25, 36(5), 39, 49(1), 96(5), 106(3), 108(7), 117, 118(1)(f), 130(4), 133(3), 136(4), 139(3), 140(5), 143(3), 144(1) or (4), 146(1), 147(1), 151 or 153, paragraph 2 of Schedule 6, paragraph 1 of Schedule 7 or paragraph 17(9) of Schedule 9, and
  - (b) subject to subsection (7), to an order under section 108(1).
- (7) A statutory instrument containing only an order under subsection (1) of section 108 revoking a previous order under that subsection—
- (a) shall not be subject to annulment in pursuance of a resolution of either House of Parliament, but
  - (b) shall be laid before Parliament.
- (8) Any power conferred by this Act to give a direction includes power to vary or revoke the direction.

#### **155 Interpretation.**

- (1) In this Act—
- “Community law” means—
- (a) all the rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the Community Treaties, and
  - (b) all the remedies and procedures from time to time provided for by or under the Community Treaties,

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“delegate” includes further delegate,  
“enactment” includes subordinate legislation,  
“functions” includes powers and duties,  
“Minister of the Crown” includes the Treasury,  
“subordinate legislation” has the same meaning as in the <sup>M1</sup>Interpretation Act 1978, and

“Wales” includes the sea adjacent to Wales out as far as the seaward boundary of the territorial sea;

and related expressions shall be construed accordingly.

(2) The Secretary of State may by order determine, or make provision for determining, for the purposes of the definition of “Wales” any boundary between—

- (a) the parts of the sea which are to be treated as adjacent to Wales, and
- (b) those which are not,

and may make different determinations or provision for different purposes; and an Order in Council under section 22 may include any provision that may be included in an order under this subsection.

(3) In this Act “financial year” means the twelve months ending with 31st March; and the first financial year of the Assembly is the financial year ending with the 31st March following the day of the first ordinary election.

(4) Section 13 of the <sup>M2</sup>National Audit Act 1983 (interpretation of references to the Committee of Public Accounts) applies for the purposes of this Act as for those of that Act.

#### Marginal Citations

- M1** 1978 c. 30.
- M2** 1983 c. 44.

## 156 Defined expressions.

In this Act the expressions listed below are defined by, or otherwise fall to be construed in accordance with, the provisions indicated—

the Assembly	section 1(1)
Assembly constituency	section 2(2) and Schedule 1
Assembly electoral region	section 2(2) and Schedule 1
Assembly First Secretary	section 53
Assembly general subordinate legislation	section 58(6)
Assembly members	section 2(3)
Assembly Secretary	section 53
Audit Committee	section 60
Auditor General for Wales	section 90(1)
Committee of Public Accounts	section 155(4)

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Community law	section 155(1)
constituency vote	section 4(2)
the Convention rights	section 107(5)
cross-border body	paragraph 3(2) of Schedule 3
delegate	section 155(1)
deputy presiding officer	section 52(1)(b) and (2)
electoral region figure	section 6(3)
electoral region vote	section 4(3)
enactment	section 155(1)
English border area	paragraph 3(2) of Schedule 3
executive committee	section 56
financial year	section 155(3)
first financial year of the Assembly	section 155(3)
functions	section 155(1)
largest party with an executive role	section 59(7)
local government scheme	section 113(1)
Minister of the Crown	section 155(1)
ordinary election	section 2(4)
Partnership Council	section 113(2)
presiding officer	section 52(1)(a) and (2)
regional committee	section 61
regional returning officer	section 11(6)
registered political party	section 4(8)
regulatory appraisal	section 65(1)
relevant Parliamentary procedural provision	section 44(3)
subject committee	section 57
subordinate legislation	section 155(1)
subordinate legislation procedures	section 64
subordinate legislation scrutiny committee	section 58
Wales	section 155(1) and (2)
Welsh Administration Ombudsman	section 111
Welsh public records	section 118

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## **157 Financial provisions.**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenditure incurred by any Minister of the Crown or government department under or by virtue of this Act, and
  - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) There shall be paid out of the National Loans Fund any increase attributable to this Act in the sums payable out of that Fund under any other enactment.
- (3) There shall be paid into the National Loans Fund any increase attributable to this Act in the sums payable into that Fund under any other enactment.
- (4) There shall be paid into the Consolidated Fund any sums received by the Secretary of State under or by virtue of this Act (apart from any required to be paid into the National Loans Fund).

## **158 Commencement.**

- (1) Parts I and II, the provisions of Part III other than sections 50 and 51, Parts IV to VI and section 152 (and Schedule 18) shall not come into force until such day as the Secretary of State may by order appoint.
- (2) Different days may be appointed under this section for different purposes.

### **Subordinate Legislation Made**

- P1** [S. 158](#) power partly exercised: different dates appointed for specified provisions by [S.I. 1998/2244](#)  
[S. 158](#) power partly exercised: 1.12.1998 appointed for specified provisions by [S.I. 1998/2789](#)  
[S. 158](#) power partly exercised: 1.2.1999 appointed for specified provisions by [S.I. 1999/118](#)  
[S. 158](#) power partly exercised: 1.4.1999 appointed for specified provisions by [S.I. 1999/782](#)  
[S. 158](#) power partly exercised: different dates appointed for specified provisions by [S.I. 1999/1290](#)  
[S. 158](#) power partly exercised: 14.5.2001 appointed for specified provisions by [S.I. 2001/1756](#)

## **159 Short title.**

This Act may be cited as the Government of Wales Act 1998.

**Status:**

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**Changes to legislation:**

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