



Government of Wales Act 1998

1998 CHAPTER 38

PART II

ASSEMBLY FUNCTIONS

Supplementary

42 Different exercise of functions by Assembly.

- (1) This section applies where—
 - (a) an enactment confers or imposes a function exercisable in relation to England and Wales, and
 - (b) the function is to any extent conferred or imposed on the Assembly by the enactment or transferred to, or made exercisable by, the Assembly by an Order in Council under section 22.
- (2) Subject to subsection (4), the enactment shall be taken to permit—
 - (a) the exercise of the function by the Assembly whether or not it is exercised otherwise than by the Assembly, and
 - (b) the exercise of the function differently by the Assembly (on the one hand) and otherwise than by the Assembly (on the other).
- (3) The reference in subsection (1)(a) to a function exercisable in relation to England and Wales includes a function exercisable in relation both to England and Wales and to another country or territory or other countries or territories.
- (4) Subsection (2) is subject to any provision made by—
 - (a) the enactment by which the function is conferred or imposed on the Assembly, or
 - (b) the Order in Council by which the function is transferred to, or made exercisable by, the Assembly.

Status: Point in time view as at 01/12/1998. This version of this provision has been superseded.

Changes to legislation: Government of Wales Act 1998, Section 42 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Subsection (2) does not limit any power to exercise a function in relation to Wales whether or not it is exercised in relation to England, or to exercise a function differently in relation to Wales and England, where the function is not (to any extent)—
- (a) conferred or imposed on the Assembly by any enactment, or
 - (b) transferred to, or made exercisable by, the Assembly by an Order in Council under section 22.
- (6) In this section “enactment” includes an enactment—
- (a) contained in an Act passed after this Act, or
 - (b) made after the passing of this Act.

Modifications etc. (not altering text)

C1 S. 42 restricted (16.2.2000) by [S.I. 2000/253](#), [arts. 1\(2\)](#), 9

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