



# Government of Wales Act 2006

## 2006 CHAPTER 32

### PART 2

#### <sup>F1</sup>WELSH ... GOVERNMENT

*[<sup>F1</sup>Assimilated][<sup>F2</sup>obligations], human rights and international obligations etc.*

#### Textual Amendments

- F1** Word in s. 80 cross-heading substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 5(3)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F2** Word in s. 80 cross-heading substituted (31.3.2022) by The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), **4(2)**

#### 80 [<sup>F3</sup>Assimilated][<sup>F4</sup>obligations]

- (1) [<sup>F5</sup>[<sup>F6</sup>An assimilated] obligation] of the United Kingdom is also an obligation of the Welsh Ministers if and to the extent that the obligation could be implemented (or enabled to be implemented) or complied with by the exercise by the Welsh Ministers of any of their functions.
- (2) Subsection (1) does not apply in the case of [<sup>F7</sup>[<sup>F8</sup>an assimilated] obligation] of the United Kingdom if—
- (a) it is an obligation to achieve a result defined by reference to a quantity (whether expressed as an amount, proportion or ratio or otherwise), and
  - (b) the quantity relates to the United Kingdom (or to an area including the United Kingdom or to an area consisting of a part of the United Kingdom which includes [<sup>F9</sup>the whole or part of Wales or of the Welsh zone]).
- (3) But if such [<sup>F10</sup>[<sup>F11</sup>an assimilated] obligation] could (to any extent) be implemented (or enabled to be implemented) or complied with by the exercise by the Welsh Ministers of any of their functions, a Minister of the Crown may by order provide for the

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achievement by the Welsh Ministers (in the exercise of their functions) of so much of the result to be achieved under [<sup>F12</sup>[<sup>F13</sup>the assimilated] obligation] as is specified in the order.

- (4) The order may specify the time by which any part of the result to be achieved by the Welsh Ministers is to be achieved.
- (5) No order is to be made by a Minister of the Crown under subsection (3) unless the Minister of the Crown has consulted the Welsh Ministers.
- (6) A statutory instrument containing an order under subsection (3) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Where an order under subsection (3) is in force in relation to [<sup>F14</sup>[<sup>F15</sup>an assimilated] obligation], to the extent that [<sup>F16</sup>[<sup>F17</sup>the assimilated] obligation] involves achieving what is specified in the order it is also an obligation of the Welsh Ministers (enforceable as if it were an obligation of the Welsh Ministers under subsection (1)).

- <sup>F18</sup>(8) .....
- <sup>F18</sup>(8A) .....
- <sup>F18</sup>(8B) .....
- <sup>F18</sup>(8C) .....
- <sup>F18</sup>(8D) .....
- <sup>F18</sup>(8E) .....
- <sup>F18</sup>(8F) .....
- <sup>F18</sup>(8G) .....
- <sup>F18</sup>(8H) .....
- <sup>F18</sup>(8I) .....
- <sup>F18</sup>(8J) .....
- <sup>F18</sup>(8K) .....
- <sup>F18</sup>(8L) .....

- (9) [<sup>F19</sup>Subsection (1) applies] to the First Minister and the Counsel General as to the Welsh Ministers.

Textual Amendments	
<b>F3</b>	Word in s. 80 heading heading substituted (1.1.2024) by <a href="#">Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 5(4)(a)</a> (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
<b>F4</b>	Word in s. 80 heading heading substituted (31.3.2022) by <a href="#">The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357)</a> , regs. 1(1), 4(3)(a)
<b>F5</b>	Words in s. 80(1) substituted (31.12.2020) by <a href="#">European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), Sch. 3 para. 37(3)</a> (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with reg. 10)
<b>F6</b>	Words in s. 80(1) substituted (1.1.2024) by <a href="#">Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), Sch. 2 para. 5(4)(b)</a> (with s. 22(6)); S.I. 2023/1363, reg. 3(e)

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- F7** Words in s. 80(2) substituted (31.12.2020) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 3 para. 37(4)** (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with reg. 10)
- F8** Words in s. 80(2) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 5(4)(c)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F9** Words in s. 80(2)(b) substituted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 43, 324, **Sch. 4 Pt. 2 para. 6(5)**; S.I. 2009/3345, **art. 2**, Sch. para. 7
- F10** Words in s. 80(3) substituted (31.12.2020) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 3 para. 37(5)(a)** (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with reg. 10)
- F11** Words in s. 80(3) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 5(4)(d)(i)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F12** Words in s. 80(3) substituted (31.12.2020) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 3 para. 37(5)(b)** (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with reg. 10)
- F13** Words in s. 80(3) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 5(4)(d)(ii)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F14** Words in s. 80(7) substituted (31.12.2020) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 3 para. 37(6)(a)** (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with reg. 10)
- F15** Words in s. 80(7) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 5(4)(e)(i)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F16** Words in s. 80(7) substituted (31.12.2020) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 3 para. 37(6)(b)** (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with reg. 10)
- F17** Words in s. 80(7) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 5(4)(e)(ii)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F18** S. 80(8)-(8L) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), **4(3)(b)**
- F19** Words in s. 80(9) substituted (31.3.2022) by The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), **4(3)(c)**

#### Commencement Information

- I1** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 81 Human rights

- (1) The Welsh Ministers have no power—
- to make, confirm or approve any subordinate legislation, or
  - to do any other act,
- so far as the subordinate legislation or act is incompatible with any of the Convention rights.
- (2) Subsection (1) does not enable a person—
- to bring any proceedings in a court or tribunal, or
  - to rely on any of the Convention rights in any such proceedings,
- in respect of an act unless that person would be a victim for the purposes of Article 34 of the Convention if proceedings were brought in the European Court of Human Rights in respect of that act.
- (3) Subsection (2) does not apply to the Attorney General, the Counsel General, the Advocate General for Scotland, the Advocate General for Northern Ireland or the Attorney General for Northern Ireland.
- (4) Subsection (1)—

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- (a) does not apply to an act which, by virtue of subsection (2) of section 6 of the Human Rights Act 1998 (c. 42), is not unlawful under subsection (1) of that section, and
  - (b) does not enable a court or tribunal to award in respect of any act any damages which it could not award on finding the act unlawful under that subsection.
- (5) Subsection (1) applies to the First Minister and the Counsel General as to the Welsh Ministers.
- (6) In subsection (2) “the Convention” has the same meaning as in the Human Rights Act 1998.

#### Commencement Information

**I2** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 82 International obligations etc.

- (1) If the Secretary of State considers that any action proposed to be taken by the Welsh Ministers would be incompatible with any international obligation, the Secretary of State may by order direct that the proposed action is not to be taken.
- (2) If the Secretary of State considers that an action capable of being taken by the Welsh Ministers is required for the purposes of giving effect to any international obligation, the Secretary of State may by order direct the Welsh Ministers to take the action.
- (3) If the Secretary of State considers that any subordinate legislation made, or which could be revoked, by the Welsh Ministers is incompatible with any international obligation or the interests of defence or national security, the Secretary of State may by order revoke the legislation.
- (4) An order under subsection (3) may include provision for the order to have effect from a date earlier than that on which it is made; but—
  - (a) such a provision does not affect any rights or liabilities acquired or incurred before the date on which the order is made, and
  - (b) no person is to be guilty of an offence merely because of such a provision.
- (5) The Secretary of State may make an order containing provision such as is specified in subsection (6) where—
  - (a) an international obligation is an obligation to achieve a result defined by reference to a quantity (whether expressed as an amount, proportion or ratio or otherwise), and
  - (b) the quantity relates to the United Kingdom (or to an area including the United Kingdom or to an area consisting of a part of the United Kingdom which includes [<sup>F20</sup>the whole or part of Wales or of the Welsh zone]).
- (6) The provision referred to in subsection (5) is provision for the achievement by the Welsh Ministers (in the exercise of their functions) of so much of the result to be achieved under the international obligation as is specified in the order.
- (7) The order may specify the time by which any part of the result to be achieved by the Welsh Ministers is to be achieved.

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- (8) Where an order under subsection (5) is in force in relation to an international obligation, references to the international obligation in subsections (1) to (3) are to an obligation to achieve so much of the result to be achieved under the international obligation as is specified in the order by the time or times so specified.
- (9) No order is to be made by the Secretary of State under subsection (2), (3) or (5) unless the Secretary of State has consulted the Welsh Ministers.
- (10) An order under this section must state the reasons for making it.
- (11) A statutory instrument containing—
- (a) subject to subsection (12), an order under subsection (1), or
  - (b) an order under subsection (5),
- is (unless a draft of the statutory instrument has been approved by a resolution of each House of Parliament) subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) A statutory instrument containing only an order under subsection (1) revoking a previous order under that subsection—
- (a) is not subject to annulment in pursuance of a resolution of either House of Parliament, but
  - (b) is to be laid before Parliament.
- (13) No order is to be made under subsection (2) or (3) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.
- (14) Subsections (1), (2) and (3) apply to the First Minister and the Counsel General as to the Welsh Ministers; and where subsection (9) operates in relation to an order under subsection (2) or (3) relating to the First Minister or the Counsel General the reference in subsection (9) to the Welsh Ministers is to the First Minister or the Counsel General.
- (15) In this section “action” includes making, confirming or approving subordinate legislation and in subsection (2) also includes introducing into the [F21Senedd] a proposed Assembly Measure or a Bill.

#### Textual Amendments

- F20** Words in s. 82(5)(b) substituted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 43, 324, [Sch. 4 Pt. 2 para. 6\(6\)](#); S.I. 2009/3345, [art. 2](#), [Sch. para. 7](#)
- F21** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

#### Commencement Information

- I3** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 155A inserted by [2014 c. 29 s. 10](#)
- Sch. 7A Section C15 para. 92 omitted by [2017 c. 4 s. 48\(1\)\(a\)](#)
- Sch. 7A Section C15 para. 93 words omitted by [2017 c. 4 s. 48\(1\)\(b\)](#)
- Sch. 7B para. 10(2)(o) inserted by [2022 c. 30 s. 143](#)
- Sch. 7B para. 11(6)(b)(x) repealed by [2023 c. 54 Sch. 11 para. 1\(b\)](#)
- Sch. 7B para. 11(6)(b)(x) word omitted by [2023 c. 54 s. 118\(c\)](#)