



Government of Wales Act 2006

2006 CHAPTER 32

[^{F1}PART 3

ASSEMBLY MEASURES

[^{F1}Power

Textual Amendments

- F1** Pt. 3 ceases to have effect (5.5.2011) by virtue of [Government of Wales Act 2006 \(c. 32\), s. 106\(1\)\(1\)](#) (with ss. [106\(2\)](#), [106A](#)) (as amended (5.5.2011) by [S.I. 2011/1011](#), art. 4; see [S.I. 2011/1011](#), arts. 2, 3 for date of commencement of the Assembly Act provisions)

93 Assembly Measures

- (1) The [^{F2}Senedd] may make laws, to be known as Measures of the National [^{F2}Senedd] for Wales or Mesurau Cynulliad Cenedlaethol Cymru (referred to in this Act as “Assembly Measures”).
- (2) A proposed Assembly Measure is enacted by being passed by the [^{F2}Senedd] and approved by Her Majesty in Council.
- (3) The validity of an Assembly Measure is not affected by any invalidity in the [^{F2}Senedd] proceedings leading to its enactment.
- (4) Every Assembly Measure is to be judicially noticed.
- (5) This Part does not affect the power of the Parliament of the United Kingdom to make laws for Wales.

Textual Amendments

- F2** 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\(11\)-\(14\)](#))

Changes to legislation: Government of Wales Act 2006, Cross Heading: Power is up to date with all changes known to be in force on or before 23 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) View outstanding changes

Commencement Information

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

94 Legislative competence

- (1) Subject to the provisions of this Part, an Assembly Measure may make any provision that could be made by an Act of Parliament.
- (2) An Assembly Measure is not law so far as any provision of the Assembly Measure is outside the [^{F2}Senedd's] legislative competence.
- (3) A provision of an Assembly Measure is within the [^{F2}Senedd's] legislative competence only if it falls within subsection (4) or (5).
- (4) A provision of an Assembly Measure falls within this subsection if—
 - (a) it relates to one or more of the matters specified in Part 1 of Schedule 5 [^{F3}and does not fall within any of the exceptions specified in paragraph A1 of Part 2 of that Schedule (whether or not the exception is under a heading corresponding to the field which includes the matter).], and
 - (b) it neither applies otherwise than in relation to Wales nor confers, imposes, modifies or removes (or gives power to confer, impose, modify or remove) functions exercisable otherwise than in relation to Wales.
- (5) A provision of an Assembly Measure falls within this subsection if—
 - (a) it provides for the enforcement of a provision (of that or any other Assembly Measure) which falls within subsection (4) or it is otherwise appropriate for making such a provision effective, or
 - (b) it is otherwise incidental to, or consequential on, such a provision.
- (6) But a provision which falls within subsection (4) or (5) is outside the [^{F2}Senedd's] legislative competence if—
 - (a) it breaches any of the restrictions in [^{F4} paragraphs 1 to 6 of] Part 2 of Schedule 5, having regard to any exception in Part 3 of that Schedule from those restrictions,
 - (b) it extends otherwise than only to England and Wales, or
 - (c) it is incompatible with the Convention rights or with [^{F5}EU] law.
- (7) For the purposes of this section the question whether a provision of an Assembly Measure relates to one or more of the matters specified in Part 1 of Schedule 5 [^{F6}(or falls within any of the exceptions specified in paragraph A1 of Part 2 of that Schedule)] is to be determined by reference to the purpose of the provision, having regard (among other things) to its effect in all the circumstances.

Textual Amendments

- F2** 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\(11\)-\(14\)](#))
- F3** Words in s. 94(4)(a) inserted (19.11.2009) by [The National Assembly for Wales \(Legislative Competence\) \(Exceptions to Matters\) Order 2009 \(S.I. 2009/3006\)](#), [art. 2\(2\)](#)
- F4** Words in s. 94(6)(a) inserted (19.11.2009) by [The National Assembly for Wales \(Legislative Competence\) \(Exceptions to Matters\) Order 2009 \(S.I. 2009/3006\)](#), [art. 2\(3\)](#)

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F5 Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, [3-6](#)

F6 Words in s. 94(7) inserted (19.11.2009) by [The National Assembly for Wales \(Legislative Competence\) \(Exceptions to Matters\) Order 2009 \(S.I. 2009/3006\)](#), [art. 2\(4\)](#)

Modifications etc. (not altering text)

C1 S. 94(6)(b) restricted (11.2.2010) by [The National Assembly for Wales \(Legislative Competence\) \(Welsh Language\) Order 2010 \(S.I. 2010/245\)](#), arts. 1(2), [2\(2\)](#)

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))

[^{F7}95 **Legislative competence: supplementary**

- (1) Her Majesty may by Order in Council—
 - (a) amend Part 1 of Schedule 5 to add a matter which relates to one or more of the fields listed in that Part, or to vary or remove any matter,
 - (b) amend that Part to add a new field or to vary or remove any field, or
 - (c) amend Part 2 or 3 of that Schedule.
- (2) An Order in Council under this section does not have effect to amend Part 1 of Schedule 5 by adding a field if, at the time when the amendment comes into force, no functions in the field are exercisable by the Welsh Ministers, the First Minister or the Counsel General.
- (3) An Order in Council under this section may make such modifications of—
 - (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or
 - (b) any other instrument or document,as Her Majesty considers appropriate in connection with the provision made by the Order in Council.
- (4) An Order in Council under this section may make provision having retrospective effect.
- (5) No recommendation is to be made to Her Majesty in Council to make an Order in Council under this section unless a draft of the statutory instrument containing the Order in Council—
 - (a) has been laid before, and approved by a resolution of, the [^{F2}Senedd], and
 - (b) having been so approved, has been laid before, and approved by a resolution of, each House of Parliament.
- (6) As soon as is reasonably practicable after the draft of an Order in Council under this section has been approved by a resolution of the [^{F2}Senedd], the First Minister must ensure that—
 - (a) notice in writing of the resolution, and
 - (b) a copy of the draft,is sent to the Secretary of State.
- (7) The Secretary of State must, before the end of the period of 60 days beginning immediately after the day on which notice of the [^{F2}Senedd's] resolution is received, either—

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- (a) lay the draft before each House of Parliament, or
 - (b) give notice in writing to the First Minister of the Secretary of State's refusal to do so and the reasons for that refusal.
- (8) As soon as is reasonably practicable after the First Minister receives notice of the Secretary of State's refusal to lay the draft before each House of Parliament and the reasons for that refusal—
- (a) the First Minister must lay a copy of the notice before the [F2Senedd], and
 - (b) the [F2Senedd] must ensure that it is published.
- (9) In reckoning the period of 60 days mentioned in subsection (7) no account is to be taken of any period during which Parliament is dissolved or prorogued or both Houses are adjourned for more than four days.
- (10) The amendment of Schedule 5 by an Order in Council under this section does not affect—
- (a) the validity of an Assembly Measure passed before the amendment comes into force, or
 - (b) the previous or continuing operation of such an Assembly Measure.]

Textual Amendments

- F2** 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)*)
- F7** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(18)** (with *Sch. 1 para. 2(11)-(14)*)

96 Scrutiny of proposed Orders in Council

The Counsel General or the Attorney General may refer to the Supreme Court for decision the question whether a matter which a proposed Order in Council under section 95 proposes to add to Part 1 of Schedule 5 relates to a field listed in that Part.]

Changes to legislation:

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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\(c\)](#)