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SCHEDULES

SCHEDULE 7

Section 70

TRANSITIONAL PROVISIONS

Main transitional provisions about the Assembly's legislative competence

- 1 The amendments made by this Act do not affect—
- (a) the validity of an Act of the National Assembly for Wales passed before the amendments come into force, or
 - (b) the previous or continuing operation of such an Act of the Assembly.
- 2 (1) The amendments made by section 3 and Schedules 1 and 2 apply to an Act of the National Assembly for Wales only if the vote by the Assembly agreeing to the general principles of the Bill for the Act took place on or after the principal appointed day.
- (2) In this paragraph “the principal appointed day” has the same meaning as in section 71.

Power to alter name of the Assembly etc; financial control, accounts and audit

- 3 (1) After the period of two months beginning with the day on which this Act is passed, and before the principal appointed day, paragraph 5(2) in Part 2 of Schedule 7 to the Government of Wales Act 2006 (provisions of that Act which the Assembly may modify) has effect as if it contained references to the following—
- (a) in section 1(1) of that Act, the words from “the National Assembly for Wales” to the end;
 - (b) in section 27(1) of that Act, the words from “the National Assembly for Wales Commission” to the end;
 - (c) in section 107(1) of that Act, the words from “Acts of the National Assembly for Wales” to the end;
 - (d) section 30;
 - (e) sections 129 and 130;
 - (f) sections 131 to 143.
- (2) In this paragraph “the principal appointed day” has the same meaning as in section 71.

Repeals of sections 105 and 106 of the 2006 Act

- 4 (1) The repeal by this Act of section 105 of the Government of Wales Act 2006 does not affect the continuing operation of any amendment of an enactment made by an order under subsection (2) of that section.
- (2) That is subject to any amendment or repeal of such an enactment made by this Act.

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- 5 (1) The repeal by this Act of section 106(2) of the Government of Wales Act 2006 does not affect the continuing operation of the saving made by that provision.
- (2) That saving is that the ceasing to have effect of Part 3 of the Government of Wales Act 2006 on 5 May 2011 does not affect—
- (a) the continuing operation, on and after that date, of any Assembly Measure enacted before that date, or
 - (b) the continuing operation, after the enactment of the Measure, of any Assembly Measure enacted in accordance with section 106A of that Act (before its repeal by this Act).

Transfer of functions

- 6 (1) Nothing in a provision of this Act affects the validity of anything done by or in relation to a Minister of the Crown or other public authority before the provision comes into force.
- (2) Anything (including legal proceedings) that is in the process of being done by or in relation to a Minister of the Crown or other public authority at the time when a provision of this Act comes into force may, so far as it relates to a function transferred to the Welsh Ministers by virtue of that provision, be continued by or in relation to the Welsh Ministers.
- (3) Anything done (or having effect as if done) by or in relation to a Minister of the Crown or other public authority—
- (a) which is in force when a provision of this Act comes into force, and
 - (b) which was done for the purposes of or in connection with a function transferred by virtue of that provision,
- has effect as if done by or in relation to the Welsh Ministers, so far as that is required for continuing its effect.
- (4) This paragraph—
- (a) does not apply in relation to a transfer of functions under sections 29 and 30 or section 54(1);
 - (b) applies subject to any provision made by regulations under section 70(2).
- (5) In this paragraph “public authority” means a body, office or holder of an office that has functions of a public nature.

Water Act 2014

- 7 Until section 1 of the Water Act 2014 comes into force for all purposes, Section C15 in Part 2 of Schedule 7A to the Government of Wales Act 2006 has effect as if references to a water supply licensee included references to a licensed water supplier within the meaning given by section 17B(9) of the Water Industry Act 1991.

Development consent for generating stations

- 8 (1) The amendments made by sections 39 to 42 and paragraphs 47, 50 and 51 of Schedule 6 do not apply in relation to the determination of an application that is made before the date on which section 39 of this Act comes into force.
- (2) For the purposes of paragraph (1)—

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- (a) an application under section 37 of the Planning Act 2008 is not made until its acceptance has been notified to the applicant under section 55 of that Act;
 - (b) an application under section 36 of the Electricity Act 1989 is not made until the requirements in paragraph 1(1) of Schedule 8 to that Act (as modified by paragraph 7A(3) of that Schedule) are met;
 - (c) an application under section 36C of the Electricity Act 1989 is not made until the appropriate authority (as defined in section 36C(6)) has given notice under regulation 4(6) of the Electricity Generating Stations (Variation of Consent) (England and Wales) Regulations 2013 (S.I. 2013/648).
- (3) Schedule 6 to the Planning Act 2008 has effect in relation to orders granting development consent for devolved Welsh generating stations as if—
- (a) references to the Secretary of State were references to the Welsh Ministers;
 - (b) the following were omitted—
 - (i) paragraph 2(11);
 - (ii) paragraph 3(5A);
 - (iii) paragraph 4(9);
 - (iv) the references to the Lands Tribunal for Scotland in paragraphs 6(6)(a) and 7(3)(d).
- (4) In this paragraph ““devolved Welsh generating station”” means a generating station that—
- (a) is in Wales and—
 - (i) generates electricity from wind, or
 - (ii) has a capacity of 350 megawatts or less; or
 - (b) is in waters adjacent to Wales up to the seaward limits of the territorial sea or in the Welsh zone (within the meaning of the Government of Wales Act 2006), and has a capacity of 350 megawatts or less.

Marine licensing in the Welsh offshore region

- 9
- (1) The amendments made by section 46 do not apply in relation to the determination of an application for a marine licence where the application is made before the commencement date (even if it is determined later).
 - (2) For the purposes of sub-paragraph (1), an application is not made until an applicant has supplied such information or produced such articles as in the opinion of the Secretary of State may be necessary or expedient to enable the Secretary of State to determine the application.
 - (3) The amendments made by section 46 do not apply in relation to the determination of an appeal against—
 - (a) a decision under section 71 of the Marine and Coastal Access Act 2009, or
 - (b) a notice issued under section 72, 90, 91, 102 or 104 of that Act,where the appeal is made before the commencement date (even if it is determined later).
 - (4) In this paragraph—
 - ““commencement date”” means the date on which section 46 comes into force;

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““devolved offshore activity”” means a licensable marine activity in the Welsh offshore region in respect of which the Welsh Ministers are the appropriate licensing authority.

- (5) Expressions used in this paragraph and Part 4 of the 2009 Act have the same meaning in this paragraph as they have in that Part.

Safety zones around renewable energy installations

- 10 The amendments made by section 41 do not apply in relation to the determination of an application made under section 95(3)(a) of the Energy Act 2004 that is made before the date on which section 41 of this Act comes into force.
- 11 For the purposes of paragraph 10 an application is not made until the requirements of paragraph 3 of Schedule 16 to the Energy Act 2004 are met, including the supply of any information prescribed by regulations made under paragraph 3(2)(b) of that Schedule.

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Changes and effects yet to be applied to :

- specified provision(s) transitional and savings provisions for commencing S.I. 2017/1179 by [S.I. 2018/278](#) [reg. 2](#)[Sch.](#)