



# Wales Act 2017

## 2017 CHAPTER 4

### PART 1

#### CONSTITUTIONAL ARRANGEMENTS

##### *Executive competence etc*

#### 20 Implementation of EU law

- (1) After section 58A of the Government of Wales Act 2006 (inserted by section 19 above) insert—

**“58B Implementation of EU law: general**

- (1) Section 2(2) of the European Communities Act 1972 (secondary legislation implementing EU obligations, etc) applies to the Welsh Ministers as if they were a Minister of the Crown or government department designated by Order in Council under that provision.
- (2) But subsection (1) confers no power to make provision that would be outside the legislative competence of the Assembly if it were included in an Act of the Assembly (see section 108A).
- (3) In particular, it confers no power to make provision that may be included in an Act of the Assembly only—
- (a) with the consent of the appropriate Minister (see paragraphs 8(1), 10(1) and 11(1) of Schedule 7B), or
  - (b) after consultation with the appropriate Minister (see paragraph 11(2) of that Schedule),
- unless that consent has been given or that consultation has been carried out.
- (4) Subsection (1) does not restrict any power conferred on a Minister of the Crown or government department by an Order in Council under section 2(2) of the European Communities Act 1972.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In section 2(4) of the European Communities Act 1972 as it has effect by virtue of subsection (1) above, the reference to an Act of Parliament is to be read as a reference to an Act of the Assembly.
  - (6) A statutory instrument containing any order, rules, regulations or scheme made by virtue of this section, if made without a draft having been approved by resolution of the Assembly, is subject to annulment in pursuance of a resolution of the Assembly; and paragraph 2(2) of Schedule 2 to European Communities Act 1972 does not apply to such an instrument.
  - (7) In this section “appropriate Minister” has the same meaning as in paragraph 8 of Schedule 7B.”
- (2) In section 59 of that Act (implementation of EU law)—
- (a) in the heading, at the end insert “: designation of Welsh Ministers, etc”;
  - (b) after subsection (2) insert—
    - “(2A) Any such restrictions or conditions do not apply in relation to the power that the Welsh Ministers have under that section by virtue of section 58B above.”;
  - (c) in subsection (3), for “that power” substitute “a power exercisable by virtue of a designation under section 2(2) of the European Communities Act 1972”.