
STATUTORY INSTRUMENTS

2018 No. 644

The Welsh Ministers (Transfer of Functions) Order 2018

Local Government Act 2000

37.—(1) The Local Government Act 2000 (“the 2000 Act”)^{M1} is amended in accordance with paragraphs (2) to (6).

(2) In section 5 (power to amend or repeal enactments)—

(a) in subsection (1)—

- (i) for “Secretary of State thinks” substitute “ Welsh Ministers think ”;
- (ii) for “he” substitute “ they ”;

(b) after subsection (3) insert—

“(3A) Subject to subsection (3B), a statutory instrument which contains an order under this section is not to be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.

(3B) A statutory instrument containing an order under this section which is made only for the purpose of amending an earlier such order—

- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
- (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or authorities of a particular description,

is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”; and

(c) omit subsections (4), (4A), (4B) and (5).

(3) In the italic heading above section 9, for “section 5 or 6” substitute “ sections 5 to 7 ”.

(4) In section 9 (procedure for orders under section 5 or 6)—

- (a) in the heading, for “under section 5 or 6” substitute “ made by the Secretary of State under section 6 ”;
- (b) in subsections (1), (3), (4) and (6) to (8), for “section 5 or 6” substitute “ section 6 ”.

(5) In section 9A (procedure for orders under section 7)—

- (a) in the heading, for “under section 7” substitute “ made by the Welsh Ministers under section 5 or 7 ”;
- (b) in subsections (1) and (2), for “section 7” substitute “ section 5 or 7 ”;
- (c) in subsection (3)—
 - (i) for “section 7” substitute “ section 5 or 7 ”;
 - (ii) after “for Wales”, in the second place those words occur, insert “ in accordance with section 5(3A) or 7(10) ”; and
- (d) in subsections (5) to (7) for “section 7” substitute “ section 5 or 7 ”.

(6) In section 105 (orders and regulations)^{M2}, in subsections (6) and (6A), omit “, 5”.

Marginal Citations

- M1** 2000 c. 22; sections 5 and 9 were amended by section 115 of the Local Government and Public Involvement in Health Act 2007 (c. 28) and section 126(3) of the Local Government (Wales) Measure 2011 (nawm 4).
- M2** Subsection (6) was amended by, and subsection (6A) was inserted by, section 100 of, and paragraphs 11 and 14 of Schedule 3 to, the Local Government Act 2003 (c. 26); subsections (6) and (6A) were amended by sections 22 and 26 of, and paragraphs 8 and 70 of Schedule 3 and paragraphs 7 and 52 of Schedule 4 to, the Localism Act 2011 (c. 20).

Changes to legislation:

There are currently no known outstanding effects for the The Welsh Ministers (Transfer of Functions) Order 2018, Section 37.