

Status: Point in time view as at 07/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Law Derived from the European Union (Wales) Act 2018 (repealed), SCHEDULE 1. (See end of Document for details)

SCHEDULE 1

(introduced by section 13)

FEES AND CHARGES

Power to provide for fees or charges: new functions

- 1 (1) The Welsh Ministers may by regulations make provision for, or in connection with, the charging of fees or other charges in connection with the exercise of a function (“the relevant function”) that a public authority has by virtue of provision made under any of the following sections—
- (a) section 3 (powers to make provision corresponding to direct EU law);
 - (b) section 4 (powers to restate EU derived enactments);
 - (c) section 5 (powers to specify provision made under EU related powers as continuing to have effect);
 - (d) section 9 (powers relating to compliance with international obligations);
 - (e) section 10 (powers to implement the withdrawal agreement);
 - (f) section 11 (power to implement EU obligations).
- (2) Regulations under this paragraph may (among other things)—
- (a) specify the fees or charges or make provision as to how they are to be determined;
 - (b) provide for the recovery or disposal of any sums payable under the regulations;
 - (c) confer power on the public authority to make, by subordinate legislation, any provision that the Welsh Ministers may make under this paragraph in relation to the relevant function.
- (3) Regulations under this paragraph may not—
- (a) confer or impose a function on a Minister of the Crown;
 - (b) remove or modify a pre-commencement function of a Minister of the Crown unless doing so is incidental to, or consequential on, another provision contained in the regulations.

Power to modify pre-exit fees or charges

- 2 (1) Sub-paragraph (3) applies where subordinate legislation contains provision (“the charging provision”) for, or in connection with, the charging of fees or other charges that—
- (a) is made in regulations under section 4 or is treated as having been made under section 5, and
 - (b) immediately before exit day, was made under section 2(2) of the European Communities Act 1972 or section 56 of the Finance Act 1973.
- (2) Sub-paragraph (3) also applies where subordinate legislation contains provision modified under this paragraph.
- (3) The Welsh Ministers may by regulations make provision modifying the subordinate legislation for the purposes of—
- (a) revoking the charging provision,
 - (b) altering the amount of any of the fees or charges that are to be charged,
 - (c) altering how any of the fees or charges are to be determined, or

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- (d) otherwise altering the fees or charges that may be charged in relation to anything in respect of which fees or charges may be charged under the charging provision.
- (4) Regulations under this paragraph may be made before exit day if the charging provision will fall within sub-paragraph (1) on exit day.

Restriction on exercise of power under paragraph 2

- 3
- (1) Where the charging provision consists solely of 1972 Act provision, regulations under paragraph 2 may not impose or increase taxation.
 - (2) In sub-paragraph (1), “1972 Act provision” means—
 - (a) provision within paragraph 2(1)(a) that immediately before exit day was made under section 2(2) of the European Communities Act 1972 and not under section 56 of the Finance Act 1973, including such provision as modified under paragraph 2, or
 - (b) provision that is made under paragraph 2 and is incidental to, or supplements or replaces, provision within paragraph (a).
 - (3) Regulations under paragraph 2 may not—
 - (a) confer or impose a function on a Minister of the Crown;
 - (b) remove or modify a pre-commencement function of a Minister of the Crown unless doing so is incidental to, or consequential on, another provision contained in the regulations.

Relationship to other powers

- 4
- This Schedule does not affect the powers under section 3, 4, 5, 9, 10 or 11, or any other power exercisable apart from this Schedule, to require the payment of, or to make other provision in relation to, fees or other charges.

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