



Law Derived from the European Union (Wales) Act 2018

2018 anaw 3

Welsh Ministers' consent to subordinate legislation within the scope of EU law

14 Welsh Ministers' consent to making subordinate legislation

- (1) Before making subordinate legislation containing a provision to which this section applies, a Minister of the Crown, or any other person (other than the Welsh Ministers) upon whom the function of making the legislation has been conferred, must obtain the Welsh Ministers' consent.
- (2) This section applies to a provision if—
 - (a) conditions 1, 2 and 3 are met, and
 - (b) condition 4 or 5 is met.
- (3) Condition 1 is that the provision applies in relation to Wales (whether or not the provision extends or applies to other territories) and is within devolved competence.
- (4) Condition 2 is that the provision falls, or would have fallen, within the scope of EU law as it has effect on the day this section comes into force.
- (5) Condition 3 is that the provision is to be made under a function exercised by statutory instrument.
- (6) Condition 4 is that the provision is to be made under a function conferred by or under an Act of the Parliament of the United Kingdom enacted after the day on which this section comes into force.
- (7) Condition 5 is that—
 - (a) the provision is to be made under a function modified by or under an Act of the Parliament of the United Kingdom enacted after the day on which this section comes into force,
 - (b) the function mentioned in paragraph (a) is modified by the Act in a way that enables or requires provision to be made that could not be made previously, and

Status: This is the original version (as it was originally enacted).

- (c) the provision could not have been made before the function was modified.