



Law Derived from the European Union (Wales) Act 2018

2018 anaw 3

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

15 Welsh Ministers' consent to approval or confirmation of subordinate legislation

- (1) Before approving or confirming subordinate legislation to which this section applies, a Minister of the Crown, or any other person (other than the Welsh Ministers) upon whom the function of approving or confirming the legislation has been conferred, must obtain the Welsh Ministers' consent.
- (2) This section applies to subordinate legislation if—
 - (a) conditions 1, 2 and 3 are met, and
 - (b) condition 4 or 5 is met.
- (3) Condition 1 is that the subordinate legislation contains provision applying in relation to Wales (whether or not the provision extends or applies to other territories) that is within devolved competence.
- (4) Condition 2 is that the provision referred to in condition 1 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 subordinate legislation is to be made by a person other than the Welsh Ministers under a function exercised by statutory instrument.
- (6) Condition 4 is that the subordinate legislation is to be approved or confirmed 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 subordinate legislation is to be approved or confirmed 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, and
 - (b) the subordinate legislation contains the kind of provision that the modification allows or requires or to which the modification applies.

Status: This is the original version (as it was originally enacted).

- (8) A function is modified for the purposes of subsection (7) if as a consequence of a modification of an enactment—
- (a) the subordinate legislation to which the function applies can contain provision within devolved competence that it could not previously contain, or
 - (b) the function applies to subordinate legislation containing provision within devolved competence to which it did not previously apply.
- (9) For the purposes of this section, a function of approving includes a function of giving consent.