

LEGISLATION (WALES) ACT 2019

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Interpretation and Operation of Welsh Legislation

Section 34 – General savings in connection with repeals and revocations

172. **Section 34** operates in relation to the same common law rule as section 33. Its purpose is to ensure that the repeal of a law does not mean that things which happened or matters which arose prior to the repeal are to be treated as if they were never subject to that law.
173. Where an Assembly Act or Welsh subordinate instrument repeals or revokes another enactment, section 34(2):
- a. in paragraph (a), provides for a rule which is a kind of expansion of the rule in section 33, so that a repeal or revocation does not revive anything that was not previously in force (such as a contract which the repealed legislation made illegal or invalid);
 - b. in paragraph (b), provides more generally that the repeal or revocation operates only in relation to the future and does not affect anything done under the repealed legislation while it was in force.
174. **Section 34(3)** preserves rights and liabilities that arose while the legislation was in force, and enables steps to be taken to enforce those rights and liabilities after the legislation has been repealed. For example, if a person committed an offence under a law which was repealed after the offence was committed but prior to the matter being brought to trial, section 34(3) means that the person can still be tried and punished under that law.
175. Like section 33, section 34 will operate where an Assembly Act or Welsh subordinate instrument repeals or revokes any Assembly Act or Measure, Act of the UK Parliament, retained direct EU legislation, or any subordinate legislation made under any of those kinds of legislation. Unlike section 33, it will also apply where a temporary Assembly Act or Welsh subordinate instrument expires, by virtue of section 37(2).
176. **Section 34** is intended to have the same effect as section 16 of the 1978 Act. The only change is that the repeal of an enactment which previously abolished a rule of common law is dealt with in section 33 rather than in this section.
177. **Section 34** has effect except to the extent that express provision is made to the contrary or the context requires otherwise.