

# Legislation (Wales) Act 2019

2019 anaw 4

## PART 2

### INTERPRETATION AND OPERATION OF WELSH LEGISLATION

#### *References in Welsh legislation to legislation and other documents*

#### **21 References to portions of enactments, instruments and documents**

- (1) Where an [<sup>F1</sup>Act of Senedd Cymru] or a Welsh subordinate instrument—
- (a) describes or refers to a portion of any enactment, instrument or document, and
  - (b) does so by referring to words, sections or other parts from or to which (or from and to which) the portion extends,
- the portion includes the words, sections or other parts referred to.
- (2) In subsection (1), “enactment” includes an enactment which is, or is contained in, any of the following—
- (a) an Act of the Scottish Parliament;
  - (b) Northern Ireland legislation (within the meaning given by section 24(5) of the Interpretation Act 1978 (c. 30));
  - (c) an instrument made under legislation mentioned in paragraph (a) or (b).

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#### **Textual Amendments**

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\) Sch. 1 para. 5\(8\)](#)
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#### **Commencement Information**

- I1** S. 21 in force for specified purposes at 11.9.2019, see s. 44(1)(c)
- I2** S. 21 in force at 1.1.2020 in so far as not already in force by [S.I. 2019/1333, art. 2](#)

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## 22 Edition of [F1 Act of Senedd Cymru] or Assembly Measure referred to

- (1) This section applies where an [F1 Act of Senedd Cymru] or a Welsh subordinate instrument refers to an [F1 Act of Senedd Cymru] (including an [F1 Act of Senedd Cymru] to which this Part does not apply) or an Assembly Measure.
- (2) The reference is a reference to the certified copy of the Act, or to the Measure as approved, which is published—
  - (a) by the Queen's Printer, or
  - (b) under the superintendence or authority of Her Majesty's Stationery Office.

### Textual Amendments

**F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\) Sch. 1 para. 5\(8\)](#)

### Commencement Information

**I3** S. 22 in force for specified purposes at 11.9.2019, see s. 44(1)(c)

**I4** S. 22 in force at 1.1.2020 in so far as not already in force by [S.I. 2019/1333, art. 2](#)

## 23 Edition of Act of the Parliament of the United Kingdom referred to

- (1) This section applies where an [F1 Act of Senedd Cymru] or a Welsh subordinate instrument refers to an Act of the Parliament of the United Kingdom (whether by its short title or by year, statute, session or chapter).
- (2) The reference is a reference to the Act as enacted which is published—
  - (a) by the Queen's Printer, or
  - (b) under the superintendence or authority of Her Majesty's Stationery Office.
- (3) But—
  - (a) where the reference is to an Act included in a revised edition of the statutes printed by authority, the reference is a reference to that edition;
  - (b) where paragraph (a) does not apply and the reference is to an Act included in the edition prepared under the direction of the Record Commission, the reference is a reference to that edition.

### Textual Amendments

**F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\) Sch. 1 para. 5\(8\)](#)

### Commencement Information

**I5** S. 23 in force for specified purposes at 11.9.2019, see s. 44(1)(c)

**I6** S. 23 in force at 1.1.2020 in so far as not already in force by [S.I. 2019/1333, art. 2](#)

## 24 References to direct EU legislation retained in domestic law after EU exit

- (1) This section applies where—
  - (a) an [F1 Act of Senedd Cymru] receives Royal Assent, or a Welsh subordinate instrument is made, on or after [F2: implementation period completion day], and

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- (b) the Act or instrument refers to any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement that forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018 (c. 16) [<sup>F3</sup>or section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2)] (incorporation of direct EU legislation).
- (2) The reference is a reference to the EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement as it forms part of domestic law (and not as it forms part of EU law).
- (3) In this section, the following expressions have the meanings given by section 20(1) of the European Union (Withdrawal) Act 2018—
- “domestic law”;
  - “EU decision”;
  - “EU regulation”;
  - “EU tertiary legislation”.

#### Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\) Sch. 1 para. 5\(8\)](#)
- F2** Words in s. 24(1)(a) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 59\(b\)](#) (with s. 38(3)); S.I. 2020/75, reg. 4(n)(xxviii)
- F3** Words in s. 24(1)(b) inserted (30.4.2020) by [The Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(Consequential Amendments\) Regulations 2020 \(S.I. 2020/463\), regs. 1\(1\), 4\(a\)](#)

#### Commencement Information

- I7** S. 24 in force for specified purposes at 11.9.2019, see s. 44(1)(c)
- I8** S. 24 in force at 1.1.2020 in so far as not already in force by [S.I. 2019/1333, art. 2](#)

## 25 References to enactments are to enactments as amended

- (1) This section applies where—
- (a) an [<sup>F1</sup>Act of Senedd Cymru] or a Welsh subordinate instrument refers to an enactment (“A”), and
  - (b) at any time (whether before, on or after the day on which the <sup>F4</sup>... Act receives Royal Assent or the <sup>F5</sup>... instrument is made) A is amended, extended or applied by an enactment (“B”).
- (2) The reference to A is a reference to A as amended, extended or applied by B.
- (3) Nothing in sections 22 to 24 limits the operation of this section.
- (4) In subsection (1), “enactment” includes an enactment which is, or is contained in, any of the following—
- (a) an Act of the Scottish Parliament;
  - (b) Northern Ireland legislation (within the meaning given by section 24(5) of the Interpretation Act 1978 (c. 30));
  - (c) an instrument made under legislation mentioned in paragraph (a) or (b).

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### Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\) Sch. 1 para. 5\(8\)](#)
- F4** Word in s. 25(1)(b) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 5\(3\)\(a\)\(4\)\(c\)](#)
- F5** Words in s. 25(1)(b) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 5\(3\)\(b\)\(4\)\(c\)](#)

### Commencement Information

- I9** S. 25 in force for specified purposes at 11.9.2019, see s. 44(1)(c)
- I10** S. 25 in force at 1.1.2020 in so far as not already in force by [S.I. 2019/1333, art. 2](#)

## 26 References to EU instruments

- (1) This section applies where—
- (a) an [<sup>F1</sup>Act of Senedd Cymru] or a Welsh subordinate instrument refers to an EU instrument (“A”), and
  - (b) before the day on which the <sup>F6</sup>... Act receives Royal Assent or the <sup>F7</sup>... instrument is made, A has been amended, extended or applied by another EU instrument (“B”).
- (2) The reference to A is a reference to A as amended, extended or applied by B.
- (3) See also regulation 2 of the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019 (S.I. 2019/628) <sup>F8</sup>...

### Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\) Sch. 1 para. 5\(8\)](#)
- F6** Word in s. 26(1)(b) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 5\(3\)\(a\)\(4\)\(d\)](#)
- F7** Words in s. 26(1)(b) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 5\(3\)\(b\)\(4\)\(d\)](#)
- F8** Words in s. 26(3) omitted (31.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 60\(b\)](#) (with s. 38(3)); [S.I. 2020/75, reg. 4\(n\)\(xxviii\)](#)

### Commencement Information

- I11** S. 26 in force for specified purposes at 11.9.2019, see s. 44(1)(c)
- I12** S. 26 in force at 1.1.2020 in so far as not already in force by [S.I. 2019/1333, art. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 26 heading word inserted by [S.I. 2020/1447 reg. 8\(4\)\(a\)\(i\)](#)
- s. 26 heading words substituted by [S.I. 2020/1447 reg. 8\(4\)\(b\)\(i\)](#) (Amendmnt to Welsh text)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(4) inserted by [2020 c. 22 s. 46\(6\)\(a\)](#)
- s. 3(4) inserted by [2020 c. 22 s. 46\(6\)\(b\)](#) (Amendment to Welsh text)
- s. 24(2A) inserted by [S.I. 2020/1447 reg. 8\(2\)\(a\)](#)
- s. 24(2A) inserted by [S.I. 2020/1447 reg. 8\(2\)\(b\)](#) (Amendmnt to Welsh text)
- s. 25A inserted by [S.I. 2020/1447 reg. 8\(3\)\(a\)](#)
- s. 25A inserted by [S.I. 2020/1447 reg. 8\(3\)\(b\)](#) (Amendmnt to Welsh text)
- s. 40A inserted by [2020 c. 22 s. 46\(7\)\(a\)](#)
- s. 40A inserted by [2020 c. 22 s. 46\(7\)\(b\)](#) (Amendment to Welsh text)