

SCHEDULES

SCHEDULE 8

POWERS TO MAKE FURTHER PROVISION: DEVOLVED AUTHORITIES

PART 2

WELSH MINISTERS

Scope of regulations under paragraph 6 or 8

- 9 (1) Regulations under paragraph 6 or 8 may—
- (a) confer a function, including a function involving the exercise of a discretion, on any person, or
 - (b) impose fees.
- (2) Regulations under paragraph 6 or 8 may create a criminal offence, but not one punishable with imprisonment.
- (3) Regulations under paragraph 6 or 8 may only include—
- (a) provision which would be within the legislative competence of Senedd Cymru if it were included in an Act of Senedd Cymru, or
 - (b) provision extending to England and Wales so far as it relates to the regulation of sea fishing by Welsh fishing boats outside the Welsh zone.
- (4) Provision which does not fall within sub-paragraph (3)(a), but which would do so but for a requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006, may be included in regulations under paragraph 6 or 8 with the consent of the Secretary of State.
- (5) Regulations under paragraph 6 or 8 may not include provision modifying a function of the Secretary of State, or of any of the sea fish licensing authorities, under any of the provisions of sections 14 to 18 or Schedule 3 (licensing of fishing boats).
- (6) The reference in sub-paragraph (5) to “modifying” a function of a person under an enactment includes—
- (a) abolishing the function;
 - (b) changing the purpose or objective for which the function is exercised;
 - (c) changing the conditions under which the function is exercised.
- (7) A power to make regulations under paragraph 6 or 8 is capable of being exercised so as to amend, repeal or revoke any enactment (apart from sections 36 to 42, this Schedule, and section 52 so far as it applies for the purposes of those enactments).
- (8) In sub-paragraph (7) “enactment” has the same meaning as in the European Union (Withdrawal) Act 2018.