
WELSH STATUTORY INSTRUMENTS

2006 No. 64 (W.13)

PUBLIC BODIES, WALES

**The Ancient Monuments Board
for Wales (Abolition) Order 2006**

Made - - - - - *18 January 2006*

Coming into force - - - - - *1 April 2006*

WHEREAS section 28(1)(d) of, and Part I of Schedule 4 to, the Government of Wales Act 1998 (“the 1998 Act”)(1) enables the National Assembly for Wales (“the National Assembly”) to transfer to itself the statutory functions of the Ancient Monuments Board for Wales (“the Board”) currently constituted under section 22 of the Ancient Monuments and Archaeological Areas Act 1979 (“the 1979 Act”)(2)

AND WHEREAS the National Assembly considers that the statutory functions of the Board, being mainly to advise the National Assembly on the exercise of its functions under the 1979 Act, are mainly functions requiring advice to be given to the National Assembly itself and therefore fall within section 28(2)(a) of the 1998 Act

NOW THEREFORE the National Assembly, in exercise of its powers under section 28 of, and Part I of Schedule 4 to, the 1998 Act makes the following Order:

Title, commencement and interpretation

- 1.—(1) The title of this Order is the Ancient Monuments Board for Wales (Abolition) Order 2006.
- (2) This Order comes into force on 1 April 2006.
- (3) In this Order, “the Board” (“*y Bwrdd*”) means the Ancient Monuments Board for Wales.

Abolition of the Board

- 2.—(1) The Board is abolished.
- (2) All property and rights to which the Board is entitled, and any liabilities to which the Board is subject, are transferred to the National Assembly.

(1) 1998 c. 38.

(2) 1979 c. 46; the Board was originally established and constituted under section 15 of the Ancient Monuments Consolidation and Amendment Act 1913 (c. 32).

Consequential amendments

- 3.—(1) The following provisions are repealed—
- (a) sections 22 and 23 of the Ancient Monuments and Archaeological Areas Act 1979⁽³⁾; and
 - (b) the entry relating to the Board in—
 - (i) Part II of Schedule 1A to the Race Relations Act 1976⁽⁴⁾;
 - (ii) Part I of Schedule 4 to the Government of Wales Act 1998; and
 - (iii) Part VI of Schedule 1 to the Freedom of Information Act 2000⁽⁵⁾.
- (2) The entry relating to the Board in—
- (a) Schedule 3 to the Race Relations Act 1976 (Statutory Duties) Order 2001⁽⁶⁾; and
 - (b) Part I of Schedule 1 to the Freedom of Information Act 2000 (Commencement No.2) Order 2002⁽⁷⁾,

is revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

18 January 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

⁽³⁾ 1979 c. 46.

⁽⁴⁾ 1976 c. 74. Schedule 1A was inserted by the Race Relations (Amendment) Act 2000 (c. 34), section 2(2) and Schedule 1 and amended by the Race Relations Act 1976 (General Statutory Duty) Order 2001 (S.I. 2001/3457), article 2(d) and the Schedule to it.

⁽⁵⁾ 2000 c. 36.

⁽⁶⁾ S.I. 2001/3458.

⁽⁷⁾ S.I. 2002/2812.

EXPLANATORY NOTE

(This note is not part of the Order)

The Ancient Monuments Board for Wales (“the Board”) is currently constituted under section 22 of the Ancient Monuments and Archaeological Areas Act 1979 (“the 1979 Act”). The main function of the Board is to advise the Secretary of State on the exercise of the Secretary of State’s powers under the 1979 Act.

The effect of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) is that the main function of the Board is now to advise the National Assembly for Wales (“the National Assembly”).

The Board is specified in Part I of Schedule 4 to the Government of Wales Act 1998 (“the 1998 Act”) as a body whose statutory functions the National Assembly may, by Order made under section 28(1) of the 1998 Act, transfer to another body, including to itself.

Section 28(2) of the 1998 Act provides that the National Assembly may, by Order, abolish a function of such a body instead of transferring it to another body if the function, at present, requires something to be done in relation to that other body (an example being the Board’s function of advising the National Assembly, the transfer of which to the National Assembly would require the National Assembly to advise itself).

Section 28(3) of the 1998 Act provides that the National Assembly may, by Order, abolish a body specified in Part I of Schedule 4 to the 1998 Act if each of the statutory functions of the body are transferred or abolished.

Section 28(4) of the 1998 Act provides that an Order which includes provision permitted by section 28(3) may transfer any property, rights or liabilities of that body.

Section 28(7) of the 1998 Act provides that an Order under section 28 may contain appropriate consequential provisions, including the repeal of enactments.

Accordingly—

- (a) article 2 of this Order abolishes the Board and its functions and transfers any property, rights or liabilities of the Board to the National Assembly; and
- (b) article 3 of this Order make the necessary consequential repeals and revocations of enactments.