

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Government of Wales Act 2006 (“the 2006 Act”). The Order extends the legislative competence of the National Assembly for Wales to make laws known as Measures of the National Assembly for Wales (referred to in the 2006 Act as “Assembly Measures”). The legislative competence conferred by this Order is subject to general limitations on the exercise of that legislative competence, which apply by virtue of section 94 of, and Schedule 5 to, the 2006 Act.

Article 2 inserts matters 6.1, 6.2, 6.3 and 6.4 into field 6 (environment) of Part 1 of Schedule 5 to the 2006 Act. It also inserts interpretation provisions into that field.

Matter 6.1 is about preventing, reducing, collecting, managing, treating or disposing of waste.

This matter does not include regulation of—

- (a) activity in the sea, or
- (b) the provision of postal services.

Matter 6.2 is about disposal of waste in the sea where the waste has been collected, managed or treated on land.

This matter does not include regulation of specified marine activities.

Regulation of the following is excepted from both matters 6.1 and 6.2—

- (a) decommissioned explosives held for military purposes,
- (b) radioactive material at military premises, and
- (c) large-scale carbon capture and storage.

Matter 6.3 is about protecting or improving the environment in relation to pollution.

This matter does not include—

- (a) regulating the composition and content of transport fuel;
- (b) specified obligations on persons who supply transport fuel;
- (c) specified matters relating to renewable energy and transport;
- (d) regulation of oil and gas exploration in certain parts of the sea.

Matter 6.4 is about protecting or improving the environment in relation to nuisances.

This matter does not include—

- (a) specified matters relating to criminal and civil liability for energy nuisances (apart from specified matters within the powers of the Welsh Ministers);
- (b) regulation of smoke, artificial light or noise from military premises;
- (c) regulation of oil and gas activities and oil and gas exploration and exploitation in the sea;
- (d) regulation of electronic communications and their networks;

Regulation of the following is excepted from both matters 6.3 and 6.4—

- (a) contained use of genetically modified organisms;
- (b) specified activities in the sea, and
- (c) marine licensing under Part 4 of the Marine and Coastal Access Act 2009.

The following are excepted from matters 6.1, 6.2, 6.3 and 6.4—

- (a) regulation concerning the control of major accident hazards;
- (b) regulation of the decommissioning of offshore energy installations and related infrastructure.

Article 3 amends Part 2 of Schedule 5 to the 2006 Act to make provision for exceptions that apply to all matters in Part 1 of Schedule 5. This article substitutes a number of existing exceptions in Part 2 (inserted by the National Assembly for Wales (Legislative Competence) (Exceptions to Matters) Order 2009 ([SI 2009/3006](#)) that are grouped in the field of highways and transport. It also inserts new exceptions into that group and creates new groups of exceptions in the fields of economic development and water and flood defence. The substituted exceptions and the new exceptions touch upon matters inserted by this Order.

A full regulatory impact assessment has not been prepared for this Order since the effect of this Order is only to confer competence on the National Assembly for Wales to legislate.