



Government of Wales Act 1998

1998 CHAPTER 38

PART II

ASSEMBLY FUNCTIONS

Commencement Information

II Part II (ss. 21-45) in force at 1.12.1998 by [S.I. 1998/2789](#), [art. 2](#)

Introduction

21 Introductory.

F1

Textual Amendments

F1 [Ss. 1-26](#) repealed by [Government of Wales Act 2006 \(c. 32\)](#), [ss. 161, 163](#), [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

Transfer of Ministerial functions to Assembly

22 Transfer of Ministerial functions.

F2

Changes to legislation: Government of Wales Act 1998, Part II is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Textual Amendments

F2 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

23 General transfer of property, rights and liabilities etc.

F3

Textual Amendments

F3 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

24 General transfer: supplementary.

F4

Textual Amendments

F4 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

25 Power to make specific transfers etc.

F5

Textual Amendments

F5 Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

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26 Transfers of property: supplementary.

F6

Textual Amendments

F6 Ss. 1-26 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

Other functions

27 Reform of Welsh health authorities.

- (1) F7
- (2) F7
- (3) F7
- (4) F7
- (5) F7
- (6) F8
- (7) F8
- (8) F9
- (9) F9
- (10) F9

Textual Amendments

F7 S. 27(2)-(5) repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

F8 S. 27(6)(7) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), Sch. 4 (subject to s. 8) (with Sch. 2, Sch. 3)

F9 S. 27(8)-(10) repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

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28 Reform of other Welsh public bodies.

- (1) The [^{F10}Welsh Ministers] may by order make, in relation to any one or more of the statutory functions of a body specified in Part I or II of Schedule 4, provision for the transfer of the function or functions—
 - (a) to a body specified in Part I or III of that Schedule,
 - (b) to a body specified in Part II or IV of that Schedule if that body consents to the transfer to it of the function or functions,
 - (c) to a county council, county borough council or community council in Wales (or to more than one such council), or
 - (d) to the [^{F10}Welsh Ministers] .
- (2) Where the [^{F10}Welsh Ministers][^{F11}consider] that, if a statutory function of a body specified in Part I or II of Schedule 4 were transferred to a body within any of paragraphs (a) to (d) of subsection (1) by an order under that subsection, that body—
 - (a) would not be able to exercise the function because the function requires or permits something to be done in relation to that body, or
 - (b) could by exercising another of its functions do what the function would require or permit that body to do,
 the [^{F10}Welsh Ministers] may by order make provision for the abolition of the function.
- (3) Where each of the statutory functions of a body specified in Part I or II of Schedule 4 is transferred or abolished by an order under subsection (1) or (2), the [^{F10}Welsh Ministers] may by order make provision—
 - (a) for the abolition of the body if it is a body specified in Part I of that Schedule, or
 - (b) for the abolition of the duty to recognise the body if it is a body specified in Part II of that Schedule.
- (4) An order under subsection (1), (2) or (3)(a) making provision in relation to a body specified in Part I of Schedule 4 may include provision for the transfer of staff of the body and of any property, rights and liabilities to which the body is entitled or subject and may in particular—
 - (a) provide for the transfer of any property, rights or liabilities to have effect subject to exceptions or reservations specified in or determined under the order,
 - (b) provide for the creation of interests in, or rights over, property transferred or retained or for the creation of new rights and liabilities between the body and the transferee,
 - (c) provide for the order to have effect in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by the order, or
 - (d) make provision about property situated outside the United Kingdom or rights and liabilities arising otherwise than under the law of England and Wales.
- (5) Where by an order under subsection (1) or (2)—
 - (a) any function of a body specified in Part I of Schedule 4 is transferred or abolished, or
 - (b) any function is transferred to a body specified in Part I or III of that Schedule,
 the [^{F10}Welsh Ministers] may by order make provision altering the membership of the body.

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- (6) An order under subsection (3)(a) making provision for the abolition of a body may include provision for the abolition of any duty in compliance with which it was established or constituted.
- (7) An order under this section may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).
- [^{F12}(7A) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of the Assembly.]
- (8) In this section “statutory functions” means functions conferred or imposed by an enactment (including an enactment which is contained in an Act passed after this Act or is made after the passing of this Act).

Textual Amendments

- F10** Words in [s. 28](#) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161 {Sch. 10 para. 42(2)} (with Sch. 11), the amending provision coming into force immediately after the end of “the initial period” (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(4\)\(c\)\(5\)](#) of the amending Act.
- F11** Word in [s. 28\(2\)](#) substituted by the Government of Wales Act 2006, (c. 32), ss. 160, 161 {Sch. 10 para. 42(3)} (with Sch. 11), the amending provision coming into force immediately after the end of “the initial period” (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(4\)\(c\)\(5\)](#) of the amending Act.
- F12** [S. 28\(7A\)](#) inserted by the Government of Wales Act 2006, (c. 32), ss. 160, 161 {Sch. 10 para. 42(4)} (with Sch. 11), the amending provision coming into force immediately after the end of “the initial period” (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(4\)\(c\)\(5\)](#) of the amending Act.

29 Implementation of Community law.

^{F13}

Textual Amendments

- F13** [S. 29](#) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after “the 2007 election” (held on 3.5.2007) subject to [s. 161\(4\)\(5\)](#) (which provides for certain provisions to come into force for specified purposes immediately after the end of “the initial period” (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

30 Consultation about public appointments.

^{F14}

Textual Amendments

- F14** [S. 30](#) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after “the 2007 election” (held on 3.5.2007)

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subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

31 Consultation about government’s legislative programme.

F15
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Textual Amendments
F15 S. 31 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

32 Support of culture etc.

F16
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Textual Amendments
F16 S. 32 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

33 Consideration of matters affecting Wales.

F17
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Textual Amendments
F17 S. 33 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

Ancillary powers etc.

34 Staff.

F18
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Textual Amendments

F18 S. 34 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

[^{F19}**34A Assistance to groups of Assembly members.**

^{F20}]

Textual Amendments

F19 S. 34A inserted (30.11.2000) by 2000 c. 41, ss. 158(1), 163(3)(b), Sch. 21 para. 12(4) (with s. 156(6))

F20 S. 34A repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

35 Inquiries.

^{F21}

Textual Amendments

F21 S. 35 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

36 Polls for ascertaining views of the public.

^{F22}

Textual Amendments

F22 S. 36 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

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37 Private bills.

F23
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Textual Amendments
F23 S. 37 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

38 Legal proceedings.

F24
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Textual Amendments
F24 S. 38 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

39 Contracts.

F25
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Textual Amendments
F25 S. 39 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

40 Supplementary powers.

F26
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Textual Amendments
F26 S. 40 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment

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of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

41 Agency arrangements and provision of services.

F27
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Textual Amendments

F27 S. 41 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

[^{F28}41A Co-operation with the Auditor General for Wales

F29
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Textual Amendments

F28 S. 41A inserted (1.4.2005) by Public Audit (Wales) Act 2004 (c. 23), ss. 66, 73, Sch. 2 para. 43; S.I 2005/558, art. 2, {Sch. 1} (subject to Sch. 2)

F29 S. 41A repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

Supplementary

42 Different exercise of functions by Assembly.

F30
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Textual Amendments

F30 S. 42 repealed by Government of Wales Act 2006 (c. 32), ss. 161, 163, Sch. 12 (with Sch. 11), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and s. 161(6) of the amending Act - see ss. 46, 161(1)(4)-(6) of the amending Act.

43 Construction of references to Ministers and departments.

F31
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Textual Amendments

F31 S. 43 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

44 Parliamentary procedures for subordinate legislation.

F32
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Textual Amendments

F32 S. 44 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

45 Laying of reports and statements.

F33
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Textual Amendments

F33 S. 45 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

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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. 104(1A) inserted by [2022 asc 1 s. 68\(6\)\(a\)](#)
- Sch. 1 para. 5A5B by [2000 c. 41 Sch. 3 para. 10\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 paras. 8-16 repealed without ever being in force by Government of Wales Act 2006 (c. 32), s. 163, {Sch. 12} (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.)
- Sch. 17 para. 11A inserted by [2022 asc 1 Sch. 4 para. 12\(4\)\(b\)](#)