



Government of Wales Act 1998

1998 CHAPTER 38

PART III

ASSEMBLY PROCEDURE

Procedures relating to subordinate legislation

64 Standing orders to provide procedures

The standing orders must provide procedures (referred to in this Act as the subordinate legislation procedures) for—

- (a) the preparation, and
 - (b) the making, confirmation and approval,
- of orders, regulations, rules and other subordinate legislation.

65 Regulatory appraisals

- (1) The subordinate legislation procedures must include provision for securing that an appraisal (referred to in this Act as a regulatory appraisal) as to the likely costs and benefits of complying with any proposed Assembly general subordinate legislation is carried out before a draft of the statutory instrument containing the subordinate legislation is laid before the Assembly.
- (2) But the subordinate legislation procedures may provide that a regulatory appraisal need not be carried out in relation to any proposed Assembly general subordinate legislation if in the particular circumstances it is inappropriate or not reasonably practicable for one to be carried out.
- (3) The subordinate legislation procedures must also include provision for securing that, if a regulatory appraisal indicates that the costs of complying with any proposed Assembly general subordinate legislation are likely to be significant—
 - (a) appropriate consultation (including consultation with representatives of business) is carried out, and

(b) the regulatory appraisal is published,
before a draft of the statutory instrument containing the subordinate legislation is laid
before the Assembly.

66 Making of Assembly general subordinate legislation

- (1) Assembly general subordinate legislation shall be made by being signed by the presiding officer, the deputy presiding officer, the Assembly First Secretary or such other person as may be authorised by the subordinate legislation procedures.
- (2) Assembly general subordinate legislation may not be made until a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.
- (3) The subordinate legislation procedures must include provision for securing that Assembly general subordinate legislation may be made by being signed otherwise than by the presiding officer only in the absence of the presiding officer.
- (4) The subordinate legislation procedures must include provision for securing that a draft of the statutory instrument containing any Assembly general subordinate legislation may be approved by the Assembly only if the draft is in both English and Welsh unless in the particular circumstances it is inappropriate or not reasonably practicable for the draft to be in both languages.
- (5) The subordinate legislation procedures must include provision for securing that a draft of the statutory instrument containing any Assembly general subordinate legislation is not approved by the Assembly until the Assembly has considered—
 - (a) the report of the subordinate legislation scrutiny committee relating to the subordinate legislation, and
 - (b) the regulatory appraisal (if any) published in relation to it.
- (6) The Assembly First Secretary may not delegate his function of signing Assembly general subordinate legislation.
- (7) The Assembly may not delegate the function of approving the draft of the statutory instrument containing any Assembly general subordinate legislation or the function of considering—
 - (a) the report of the subordinate legislation scrutiny committee relating to it, or
 - (b) the regulatory appraisal (if any) published in relation to it.

67 Disapplication of procedural requirements

- (1) The subordinate legislation procedures may include provision permitting Assembly general subordinate legislation to be made without compliance with any of the relevant procedural requirements if the executive committee determines that, in the particular circumstances, it is not reasonably practicable to comply with the requirement in relation to the subordinate legislation.
- (2) For the purposes of this section the relevant procedural requirements are—
 - (a) the requirement in section 66(2), and
 - (b) each of the requirements included in the subordinate legislation procedures in pursuance of sections 65(3) and 66(5).

- (3) If the subordinate legislation procedures include provision permitting Assembly general subordinate legislation to be made without compliance with the requirement in section 66(2), they must also provide that any Assembly member is entitled to move, within the period of forty working days beginning with the day on which any Assembly general subordinate legislation is made without that requirement having been complied with, that it be revoked.
- (4) If, pursuant to a motion made within that period, the Assembly resolves that the subordinate legislation be revoked, the resolution revokes it.
- (5) The Assembly may by order make any provision which appears appropriate in consequence of the revocation of the subordinate legislation by the resolution.
- (6) Neither the passing of a resolution revoking any subordinate legislation nor the making of an order making provision consequential on the revocation—
 - (a) affects the validity of anything done under the subordinate legislation before its revocation, or
 - (b) prevents the making of new subordinate legislation.
- (7) For the purposes of subsections (3) and (4) a day is a working day unless it is—
 - (a) a Saturday or a Sunday,
 - (b) Christmas Eve, Christmas Day, Maundy Thursday or Good Friday,
 - (c) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971, or
 - (d) a day appointed for public thanksgiving or mourning.

68 Financial initiative

- (1) The subordinate legislation procedures must include provision requiring the recommendation of the executive committee for the making by the Assembly of any Assembly general subordinate legislation which may give rise to the payment of any sums by the Assembly.
- (2) The provision included in the subordinate legislation procedures in pursuance of subsection (1) may contain an exception from the requirement of a recommendation in circumstances in which the sums are unlikely to be significant.